

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Clerk McLennand: "Introduction and First Reading of House Bills.

House Bill 2502, offered by Representative Ronen. A Bill for an Act in relation to insurance coverage. First Reading of this House Bill. Senate Bills, First Reading. Senate Bill 203, offered by Representative Krause, amends the Illinois Public Aid Code. Senate Bill 283, offered by Representative Saviano, amends the Illinois Vehicle Code. Senate Bill 509, offered by...Senate Bills, First Reading. Senate Bill 763, offered by Representative Bost, amends the Personnel Code. Senate Bill 774, offered by Representative Black, an Act to create the Fort Sheridan Redevelopment Commission Act. Senate Bill 810, offered by Representative Ryder, an Act concerning the practice of medicine. Senate Bill 811, offered by Representative Cross, amends the Code of Civil Procedures. Senate Bill 831, offered by Representative McAuliffe, amends the Pharmacy Practice Act of 1987. Senate Bill 869, offered by Representative Saviano, an Act concerning blood. Senate Bill 905, offered by Representative Durkin, amends the Vital Records Act. Senate Bill 910, offered by Representative Saviano, amends the Liquor Control Act of 1934. Senate Bill 948, offered by Representative Hughes, amends the...an Intergovernmental Cooperations Act. Senate Bill 960, offered by Representative Biggert, amends the Code of Civil Procedures. Senate Bill 985, offered by Representative Balthis, amends the Property Tax Code. Senate Bill 989, offered by Representative Churchill, amends the Code of Civil Procedure. Senate Bill 991, offered by Representative Hoeft, amends the Illinois Planning Council. Senate Bill 1000, offered by Representative Roskam, an Act concerning the state budget. Senate Bill 1005, offered by Representative Lachner, amends the School Code. Senate

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Bill 1033, offered by Representative Saviano, amends the Mobile Home Landlord and Tenant Rights Act. Senate Bills, First Reading. Senate Bill 1078, offered by Representative Biggert, amends the Illinois Vehicle Code. This has been Introduction and First Reading of Senate Bills. House Perfunctory Session will be in recess until 1:30. Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 36, offered by Representative Noland. House Resolution 37, offered by Representative Hoffman. Rules Committee. No further business, the Perfunctory Session stands adjourned. The House will convene at 2:00 p.m."

Speaker Churchill: "The House will be in order. The Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for the day is Pastor James Stuenkel of the Good Shepherd Lutheran Church in Sherman. Pastor Stuenkel is the guest of Representative Raymond Poe. Will the guests in the gallery please rise to join us for the invocation. Pastor Stuenkel."

Pastor James Stuenkel: "Let us pray. Almighty God, we are assembled here this day to discharge those duties which require the cooperation of many people. Without You we know we can and are nothing, so we pray that You would give your counsel to these elected Representatives. That You would bless their work this day and in all their deliberations and transactions, You would be given glory. The state would be honored, and Your people enriched. And also, in the midst of such a great tragedy that happened last week in another state, we pray that You would keep these servants safe in this house, oh Lord. That You would bless the work of those continuing their labors in Oklahoma City, that You would comfort the families of those

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

victims who lost lives last week. We pray Oh Lord that You would give us Your peace, here always, in Your name we pray. Amen."

Speaker Churchill: "We'll be led in the Pledge of Allegiance by Representative Pedersen."

Pedersen et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Churchill: "Roll Call for Attendance. The Chair would recognize Representative Hannig for any excused absences on the Democratic side of the aisle."

Hannig: "Yes, thank you, Mr. Speaker. Today, we have excused, Representative Barbara Flynn Currie, Representative Ben Martinez, Representative Dan Burke, and Representative Edgar Lopez."

Speaker Churchill: "With leave of the House, the Journal shall so indicate. Representative Cross, have any excused absences on the Republican side of the aisle?"

Cross: "Thank you, Mr. Speaker for asking. If the record would please reflect, that Representative Krause, is excused today."

Speaker Churchill: "Will leave of the House, the Journal will so indicate. Mr. Clerk, take the record. There are 112 Members answering the Roll, and a quorum is present. The House will come to order. House Bills, Second Reading. Mr. Clerk, please read House Bill 194."

Clerk Rossi: "House Bill 194, has been read a second time previously. Amendment #2 was adopted in Committee, no Motions have been filed. Floor Amendment #4, offered by Representative Zickus, has been approved for consideration."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Churchill: "Take the Bill out of the record for a minute please. Mr. Clerk, please read House Bill 630."

Clerk Rossi: "House Bill 630, has also been read a second time previously. Amendment #1, was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Representative Eugene Moore, has been approve for consideration."

Speaker Churchill: "Is Representative Moore on the Floor? Representative Eugene Moore. Please take the Bill out of the record. House Bill 884, Representative Balthis, do you want that called? Tell us about that Bill, Mr. Balthis?"

Balthis: "Mr. Speaker, we are ready to call that Bill."

Speaker Churchill: "Mr. Clerk, please read House Bill 884."

Clerk Rossi: "House Bill 884, has been read a second time previously. No Committee Amendments. Floor Amendment #2, offered by Representative Balthis, has been approve for consideration."

Speaker Churchill: "Representative Balthis, on Floor Amendment #2."

Balthis: "Thank you, Mr. Speaker. Amendment #2 to House Bill 884, is an Amendment that clarifies the language in the Bill. It does not become the Bill, and simply outlines the numbers as to how much each community can use of the bonding cap where that bonding cap could be utilized, and there is an agreement between the parties on how this Bill was crafted, this Amendment was crafted, and I would move for its adoption."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, will the Sponsor yield?"

Speaker Churchill: "He indicates that he will, please proceed."

Lang: "Sir, what does your Bill do with these bond allocations?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, I did not hear the entire question."

Speaker Churchill: "Representative Lang, on Amendment #2."

Lang: "Thank you. You're doing something with these bond allocations, but I'm not sure what you're doing with them, so, what would this allow municipalities to do?"

Speaker Churchill: "Representative Balthis."

Balthis: "Mr. Speaker, first of all, Amendment #2, I believe, should be withdrawn, and Amendment #3 is the one that we actually want to proceed with."

Speaker Churchill: "Representative Balthis moves to withdraw Amendment #2. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Balthis."

Speaker Churchill: "Representative Balthis on Amendment #3."

Balthis: "Thank you, Mr. Speaker. Amendment #3 is similar to Amendment #2 except the imminent domain language that was in that Bill that was amended out by agreement with the Illinois Municipal League and other groups that had a concern about it, and so the current Bill just simply defines the bond allocation, the Illinois Private Activity Bond Allocation, and how much each community can use of that allocation. By the way, this does not affect the City of Chicago and its allocation which comes directly from the federal government."

Speaker Churchill: "Is there any discussion on Floor Amendment #3? The Chair recognizes the Gentleman from Cook, Representative Lang?"

Lang: "Thank you. First a parliamentary inquiry before you start my clock, Mr. Speaker. I believe that the Amendment preempts home rule, and although wouldn't be relevant to voting on the Amendment, it would be relevant to voting on

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

the Bill should the Amendment be adopted, and so while I ask Mr. Balthis some questions, could we have the Parliamentarian check as to whether this preempts the necessary Section of the home rule, so that 71 would be required, and we'll get a ruling from the Chair on that before we finish with the Amendment, Sir?"

Speaker Churchill: "First of all, we did turn the time clock off so that your time is preserved; secondly, we will check that out while you're asking questions, and third, the Sponsor says he'll yield, so if you'd like to start asking questions, we'll start the time clock. Representative Lang."

Lang: "Thank you for your courtesy Sir. Representative, could you explain to the Body what these private activity allocations are? It sounds to me sort of like these pollution credits that businesses get that they sell back and forth if they don't need all they have but some other business needs more, they can buy these credits, is that what these are?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, these are bonds that are allocated on a per capita basis by the federal government to be utilized for capital development projects within communities. What we're simply trying to do with this language is to stipulate that any individual community except for Chicago, cannot use more than \$12.5 million on a given project, so that every community in the state has an opportunity to participate in these bonds."

Speaker Churchill: "Representative Lang."

Lang: "Well, I think that's what the Bill does, but I'm not understanding what this is and what changes the Amendment is making. Maybe I didn't ask my question properly, but

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

I'm really not sure what you're trying to do here, and I'd like to understand it so I know if I'm for or against it."

Speaker Churchill: "Is that a question Representative Lang?"

Lang: "Yes, can you explain it? That's a question."

Speaker Churchill: "Much better, Representative Balthis."

Balthis: "No. Representative, currently, there is not limit on an individual project, so one community could use \$100 million of the bonding authority which would mean other communities would not have the availability of this bonding pool. What the Governor's office is simply trying with this, is to limit how much each community can use, except for the City of Chicago, so that more communities in this state will be able to take advantage of this bonding pool."

Speaker Churchill: "Ladies and Gentlemen, please let's give our attention to the two people who are debating this issue. Representative Lang says that he is unable to hear the response. Representative Balthis, would you please repeat that a little bit louder so Representative Lang can hear you."

Balthis: "Yes. Representative Lang, apparently there is no limit per project per community. What we're simply trying to do with this language is to limit the per project amount, except again for the City of Chicago, so that more communities can participate in this bonding pool. And, that's really the underlying intent of the Bill. The language about the imminent domain and preemption of home rule, that language was taken out by Amendment #3."

Speaker Churchill: "Representative Lang."

Lang: "Why do we exempt Chicago?"

Speaker Churchill: "Representative Balthis."

Balthis: "They receive their allocations directly from the federal government and not through the state."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Churchill: "Representative Lang."

Lang: "And so your Amendment would prohibit cash to be paid for these traded allocations, but what is paid, what...If my community has some allocation left and I want to give it to your community, what can I get in return?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, we tried to deal with the issue, that was not the intent when the Bill was originally written, and many of us in local government, as we always do, we tried to stretch the law as far as we possibly can to take advantage of it as much as we can, and the original intent was simply that if we use the allocation on the local level, that it was there to do so. If we did not, we would then turn that allocation back to the state so that other communities could use it. This language now allows for the payment of reasonable legal expenses and transfers and things of that nature, but it does not allow for the selling of allocations that were never intended to be sold."

Speaker Churchill: "Representative Lang."

Lang: "Mr. Speaker, this place is only about half full, and I can't hear a word and I'm really trying to hear Mr. Balthis. I still don't know what this Bill does and I think he's trying to answer my question. Can we get some order in here Sir?"

Speaker Churchill: "Representative Balthis is sincerely trying to answer your questions. Ladies and Gentlemen, please, give your attention to the two people who are debating this Amendment. They cannot hear each other and it would be a disservice to all of us if we can't find out what's in this Amendment. Representative Lang, I'll add a extra minute on your time when we get to the end of your clock, so please

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

proceed."

Lang: "Thank you, Sir. I'm still unclear as to if you can't buy these, what can you get for these? If you can't get cash, what can you get?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, the original language of the legislation that was passed, there was no intent for a local community to sell or do anything else with these bonds. If they were not going to use them in their local community, the intent was that they give that allocation to the state which then could be distributed to other communities that had projects that they needed to use it for. What we're allowing in this language is, that if there is a transfer between home rule communities, non-home rule communities cannot transfer it, but if there is the ability for home rule communities to transfer it because of some project, that if there are legal fees, et cetera involved in this, that that local community ought to be able to recapture those costs, but they ought not to be able to get money for something that was never intended to be sold."

Speaker Churchill: "Representative Lang, I promised I'd give you an additional minute, we'll start that now."

Lang: "Thank you. So, home rule units can trade these, non-home rule units can't, what about one that is and one that isn't?"

Speaker Churchill: "Representative Balthis."

Balthis: "The only community that can transfer the bond allocation, is a home rule community. A non-home rule community cannot transfer their allocation without giving it...they can transfer it back to the state, but they cannot transfer it to another community."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Churchill: "Representative Lang."

Lang: "But if they transfer it back to the state, then I assume that is available for the state to give back to somebody else. Who makes that decision, the Governor?"

Speaker Churchill: "Representative Balthis."

Balthis: "It's on an application first come, first serve basis as to need, and those communities that have a project that could be utilized under this program."

Speaker Churchill: "Representative Lang."

Lang: "Who allocates it? Is it the Governor's office that allocates it?"

Speaker Churchill: "Representative Balthis for the answer."

Balthis: "Yes, but it is on a first come, first serve basis. There is no ability to determine which community needs it or what. If there is an application in, the first application in has the first access to those allocations."

Speaker Churchill: "Representative Lang, the Parliamentarian has examined the questioned you asked about home rule, and it is his belief that this Amendment does not deal with the preemption issue, and therefore, does not deal with home rule, and would only take 60 votes. Representative Lang."

Lang: "Sir, on page 5 of the Bill, line 17...of the Amendment, page 5 of the Amendment, line 17, it clearly says, 'no home rule unit may be granted, blah, blah, blah, blah, blah'. That's a may, that's obviously a preemption, Sir. It does not state what subsection it's amending, but it clearly says no home rule unit may do such and such. That seems to me to be preemption language."

Speaker Churchill: "It's permissive language that states a number which can be used, but does not preempt anything that the home rule unit may wish to do. Representative Lang."

Lang: "Well, I don't want to drag this debate on any longer than

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

we have to Sir, but maybe I can get some straggling Members to the floor. If it limits a power that home rule units currently have, is it not preempting their power?"

Speaker Churchill: "This deals with the state's allocation system, the tax cap legislation sets up a amount of money, this tells what the amount of money is that can go back to the home rule unit. It in no way impacts the home rule unit in terms of their ability to regulate the unit. Representative Lang."

Lang: "But in fact it does, Sir, because it limits what they can trade for. It limits what they can get from the other community, because they have...if there is a cap on it, there is less of a value, and if there is less of a value, there's less that they can get in return, therefore, it affects the home rule unit's ability to trade."

Speaker Churchill: "That is a allocation question, it's nothing that limits the home rule unit in terms of their ability to regulate the home rule unit. Representative Lang, you and I have gone down a road on this argument. The ruling of the Parliamentarian is that it does not preempt home rule. That'll be the ruling of the Chair, and that it would only require a majority vote. I'll give you one more shot on this Representative Lang, but then I think we need to move on. Representative Lang."

Lang: "Well, this is not the time for it, but I would just tell the Chair that when this Bill is voted on on Third Reading, we will be making a Motion to appeal that ruling, we'll ask you to make it again. Thank you, Sir."

Speaker Churchill: "Yes, and Representative Lang, perhaps if you could take your argument to the Parliamentarian at some point before we get to Third Reading on that, maybe you can convince him otherwise, but that's his ruling at this

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

point. Representative Balthis to close."

Balthis: "Thank you, Mr. Speaker. I'd just ask for a 'yes' vote on Amendment #3 to House Bill 884."

Speaker Churchill: "Okay, the question is, 'Shall Floor Amendment #3 pass?' All those in favor say 'aye', any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and Floor Amendment #3 passes. Further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration. Third Reading. Mr. Clerk, please read House Bill 238."

Clerk Rossi: "House Bill 238, this been has been read a second time previously. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Representative Cowlshaw, has been approved for consideration."

Speaker Churchill: "The Lady from DuPage, Representative Cowlshaw on Floor Amendment #2."

Cowlshaw: "Thank you very much, Mr. Speaker. This Amendment was recommended to be adopted by the Public Utilities Committee on a unanimous vote. This is simply an Amendment that was asked for by Peoples Gas, and it simply stipulates so that there is no misunderstanding, that during the three year period in which we are going to gradually reduce the amount of taxes that people have to pay on their taxes because there are some municipalities that tax public utility bills after the state taxes have already been added, that during that period, the standard procedure now in effect, which is that the public utilities simply pass that cost onto the consumer, that that will continue in effect for the three year period during which this will be gradually phased out. I would say Mr. Speaker, if I may please, that originally this Bill was going to simply abolish this tax...this form

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

of taxation immediately, but I was asked by Mayor Daley's people here to try to do something to help the city in the fact that that would be quite a substantial loss of revenue in one year only, and so we worked with Mayor Daley's office and that Amendment has already been adopted, and that's the reason why it takes three years to phase it in. With that explanation Mr. Speaker, I would certainly be glad to answer any questions, and if there are no questions, I move for the adoption of Floor Amendment #2 to House Bill 238."

Speaker Churchill: "Ladies and Gentlemen, again it is very noisy in here. If you need to chat with people, perhaps you could move to the back of the chamber so that the people who are debating these issues can hear each other. Is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Churchill: "She indicates that she will, please proceed."

Schakowsky: "So, this Amendment is an attempt to accommodate some of the concerns as I understand it, of the City of Chicago, then explain to me what this is intended to do?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative, perhaps you couldn't hear the explanation. All right, the Amendment was asked for by Mayor Richard Daley's office, was already adopted. That was Amendment #1. This is Amendment #2. It was asked for by Peoples Gas, and all it does is to stipulate clearly so that there is no misunderstanding that during the three year phase out of taxes being imposed on people's taxes, the utilities are still allowed to pass that cost onto the consumers as they have ever since any such un-American practice began."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Forgive me Representative, so it was Amendment #1 that dealt with the other issue...excuse me..."

Speaker Churchill: "Will the people standing between the two debaters please move? Representative Schakowsky, I think you're in the midst of a question."

Schakowsky: "Representative, then I have no further questions about Amendment #2 and we can debate the Bill further on Third Reading. Thank you."

Speaker Churchill: "Is there further discussion? The Chair recognizes the Lady from Cook, Representative Davis."

Davis, Monique: "I was just going to stand in support of the Lady's Amendment, but I too can do that on Third Reading. I think it's an excellent Amendment based on consumers not paying a tax upon a tax, and I really applaud her for placing this legislation on the table. Thank you."

Speaker Churchill: "And thank you. Further discussion? The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker. To the Amendment. I think this is a reasonable compromise. I know I spoke with Representative Cowlshaw about this and this issue has been around for a good number of years, and finally I think we're going to get it to the forefronts and get it passed over to the Senate, but I would ask my colleagues to adopt the Amendment on our side of the aisle."

Speaker Churchill: "Seeing no further discussion, the Chair recognizes the Lady from DuPage for closing, Representative Cowlshaw."

Cowlshaw: "It's a good Bill, and it's a good Amendment, I urge its approval."

Speaker Churchill: "All those in favor of Floor Amendment #2 to House Bill 238, will signify by saying 'aye', any opposed

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

will say 'nay', in the opinion of the Chair the 'ayes' have it, and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Churchill: "Third Reading. Mr. Clerk, please read House Bill 194."

Clerk Rossi: "House Bill 194, has been read a second time previously. Amendment #2 was adopted in Committee. No Motions have been filed. Floor Amendment #4, offered by Representative Zickus, has been approved for consideration."

Speaker Churchill: "The Chair recognizes the Lady from Cook, Representative Zickus."

Zickus: "Thank you, Mr. Chairman...Mr. Speaker. House Bill 194 amends the Property Tax Code to revise the procedure for payment of property taxes, and Amendment 4 which was adopted in Committee, 11 to zero, just increases the penalty if someone were to file their protest in bad faith, and it also adds that the court determines bad faith."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you, will the Sponsor yield?"

Speaker Churchill: "She indicates she will. Please proceed."

Dart: "Representative, this Amendment 4...it effect...in effect, it amends Amendment #2, is that correct? Or is Amendment #2 is that still...the substances of Amendment #2 is that still on the Bill room?"

Speaker Churchill: "Representative Zickus."

Zickus: "Yes it is. Amendment #4 increases the penalty from one percent to two percent per month."

Speaker Churchill: "Representative Dart."

Dart: "And what is the other...there's two things, there's

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

another thing the Amendment does as well in reference to Amendment 2 and what's that?"

Speaker Churchill: "Representative Zickus."

Zickus: "I'm sorry, I did not hear what you said Representative."

Speaker Churchill: "Representative Dart."

Dart: "Thank you. The other...the Amendment 4 does two things, and one is the changing of the...increasing the penalty amount, what is the other provision though, and does that also reflect back to Amendment #2 as well?"

Speaker Churchill: "Representative Zickus."

Zickus: "It simply stipulates that the court determines bad faith."

Speaker Churchill: "Representative Dart."

Dart: "How was it previously set up prior to this Amendment?"

Speaker Churchill: "Representative Zickus."

Zickus: "It just clarifies the language."

Speaker Churchill: "Representative Dart."

Dart: "What was the concern though as far as who were they thinking was going to make the determination of bad faith, if not the court?"

Speaker Churchill: "Representative Zickus."

Zickus: "We just wanted it clarified. There was some question as to what bad faith was, so we put in here that the court determines."

Speaker Churchill: "Representative Dart."

Dart: "So, that's merely clarification then because I was concerned I had some problems with the substance of the original Bill as it existed, and you're clarifying that the court makes the determination of bad faith in this instance here, and nothing more..."

Speaker Churchill: "Representative Zickus."

Zickus: "Correct."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Churchill: "Representative Dart."

Dart: "Thank you."

Speaker Churchill: "Further discussion? The Chair recognizes the Lady from Cook, Representative Fantin."

Fantin: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Churchill: "She indicates that she will. Please proceed."

Fantin: "Thank you. What was the...is there a determined length of time on this Amendment?"

Speaker Churchill: "Representative Zickus."

Zickus: "This Amendment only increases the penalty and states that the court determines what bad faith is. That's all this Amendment does."

Speaker Churchill: "Representative Fantin."

Fantin: "There's nothing in there then that states any time length or anything...how long this could be tied up or is that in the Bill perhaps?"

Speaker Churchill: "Representative Zickus."

Zickus: "If there's anything, it would be in the Bill, it is not in this Amendment."

Speaker Churchill: "Representative Fantin."

Fantin: "Okay, so then the Amendment is just stating that it goes from one percent to two percent, now would that be of the total tax...is that...?"

Speaker Churchill: "Representative Zickus."

Zickus: "It is of the total tax bill, and it's one per...it changes from one percent to two percent per month."

Speaker Churchill: "Representative Fantin."

Fantin: "Per month, so then it would be accumulative it goes three months, four months, it would just keep adding up two percent per month is what you're telling us. Of the total bill or the total of the difference of the bill?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Churchill: "Representative Zickus."

Zickus: "It would be on the total tax bill."

Speaker Churchill: "Representative Fantin."

Fantin: "On the total tax bill, not just the difference then, correct?"

Speaker Churchill: "Representative Zickus."

Zickus: "Correct."

Speaker Churchill: "Representative Fantin."

Fantin: "Thank you."

Speaker Churchill: "There being no further discussion, Representative Zickus to close."

Zickus: "I just ask for your 'aye' vote, to adopt Amendment #4."

Speaker Churchill: "All those in favor of the adoption of Amendment #4 to House Bill 194, will signify by saying 'aye', and opposed will say 'nay'. In the opinion of the Chair, the 'ayes' have it, and Amendment #4 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Churchill: "Third Reading. Mr. Clerk, read House Bill 630."

Clerk Rossi: "House Bill 630, has been read a second time previously. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Representative Eugene Moore, has been approved for consideration."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Representative Eugene Moore."

Moore, Eugene: "Yes, we would like to, Mr. Speaker, offer Amendment #2 in regards to House Bill 630. We would like to move that to Second Reading if possible...to the Third Reading."

Speaker Churchill: "Please explain the Amendment."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Moore, Eugene: "It speaks in regards to technical changes in dealing with the toll free number. The Amendment #2 amends the Illinois State Origin Act, and the Illinois Economic and Fiscal Commission Act. Requires the Audit or General and Illinois Economic and Fiscal Commission to implement and operate a toll free telephone system that all citizens may use to report waste and abuse of state operations."

Speaker Churchill: "Representative Moore, there is no one seeking any discussion on this so, all those in favor of Floor Amendment #2 to House Bill 630, will signify by saying 'aye', any opposed will say 'nay'. In the opinion of the Chair, the 'ayes' have it, and Floor Amendment #2 is adopted to House Bill 630. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Eugene Moore."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Representative Eugene Moore."

Moore, Eugene: "Right. The Floor Amendment #3, which is in regards to technical changes that we're going to be dealing with the fiscal, the Illinois Economic Fiscal Commission Act."

Speaker Churchill: "There being no discussion, all those in favor of Floor Amendment #3 to House Bill 630 will signify by saying 'aye', any opposed will say 'nay'. In the opinion of the Chair, the 'ayes' have it, and Floor Amendment #3 to House Bill 630 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Churchill: "Third Reading. Representative O'Connor, are you prepared to do House Bill 1091? Out of the record. Representative Kubik...Representative Kubik, would you be prepared to go on House Bill 1172? Mr. Clerk, please read House Bill 1172."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Clerk Rossi: "House Bill 1172, has been read a second time previously. No Committee Amendments. Floor Amendment #2, offered by Representative Maureen Murphy, has been approved for consideration."

Speaker Churchill: "The Chair recognizes the Lady from Cook, Representative Maureen Murphy."

Murphy, M.: "Thank you, Mr. Speaker. Floor Amendment #2, brings us the Assessment Reduction Disclosure law, requiring the total number of revenue to be lost from an assessment reduction to be posted prominently. The process for the Board of Appeals or Board of Review hearings regularly held. It would stipulate that properties posted will be in value of 250,000 or more or as classified as commercial property, industrial property or multi-family units. It would also require an appeal complaint that is filed with the Board of Review, Board of Appeals, or Property Tax Appeal Board to contain the name of the attorney representing the appellant, if applicable, and the law firm with which the attorney is affiliated with. This would be applicable, statewide. It's good for taxpayers, it expands the public information and it would help the privileged few from just having an open disclosure. And again I urge your favorable approval. Thank you."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Fantin."

Fantin: "Thank you, Mr. Chairman. Will the Representative yield?"

Speaker Churchill: "She indicates she will. Please proceed."

Fantin: "Thank you. I'm sorry I could not hear everything that you stated Representative Murphy. On the appeal, was that what you were saying, does this pertain to an appeal or is this just a reduction on properties over 200,000? I could

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

not hear you."

Speaker Churchill: "Representative Murphy."

Murphy, M.: "The...provides that the assessment reductions for parcels of property with an assessed value of at least \$200,000, no matter what the property was. The assessed value being of 200,000 as a threshold. Does that answer your question, Representative?"

Speaker Churchill: "Representative Fantin."

Fantin: "Are you then asking that any property over \$200,000, any reduction has to be posted?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Yes. We had a full hearing on this last week during a Revenue Hearing Committee and I don't believe you were in attendance, Representative, but we fully aired this. It creates the Assessment Reduction Disclosure Act and it would require all property tax assessment complaints, filed with the assessor's office, Board of Review, Board of Appeals, or Tax Appeal Board and the reductions therein, to be posted in close proximity to the assessor's business office or the regular meeting place of the board that reduced the assessment."

Speaker Churchill: "Representative Fantin."

Fantin: "Oh, how...how does that differ from what's being done now?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "I didn't hear that, Representative."

Speaker Churchill: "Representative Fantin."

Fantin: "How would that be different from what's being done at this time?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "I...the volume would be expanded, particularly with Cook County, I'm more familiar with the Cook County

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

assessment procedures than I am the 101 other counties. It would also put an assessment reduction disclosure notice, and would give a window of time, within five days after the reduction has occurred and it would remain posted for ten business days. We also stipulated what the notice would include. So it was an expanded amount of information for the public to have greater access to."

Speaker Churchill: "Representative Fantin."

Fantin: "Presently, I believe, everything is posted by newspaper. How are you suggesting this being posted since there's over a million properties in Cook County? How do you propose that this is to be posted? Individual sheets, I mean, how are they suppose to do this?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "The process by which the local assessor could do so would be up to them. On the other hand, it would not be a million. The difference is the reduction amount would be shown. While publications may show a current assessment, it doesn't show how some people were able to greatly reduce their assessment, and to what level."

Speaker Churchill: "Representative Fantin."

Fantin: "You are not proposing any certain way? I mean, is there...are these going to be posted individually, by newspaper, you say they must be posted for five days. I'm not understanding how you expect these to be posted."

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Court by law, courts post various items of interest. So, there is all mannered methodologies that clerks of the court system, county clerks, township clerks are very well versed in the requirements for posting. Posting means, visible for the public to see. This is valuable information that shouldn't be closeted off for only the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

privileged few."

Speaker Churchill: "Representative Fantin."

Fantin: "So you have no proposal of where this has to be set up, if it's in the township, if it's in the county building, if it's a newspaper, and they can do this just anyway, anywhere they want?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Posting shall be in close proximity to the assessor's business office or the regular meeting place of the board reducing the assessment. So if it was a reduction brought about by the Property Tax Appeal Board or the Board of Appeals, people of interest, people who wanted to know who had received such reductions would be well abled and well directed to see them for themselves. Again, it's a sunshine law. I'm sorry that you missed the debate on this in committee last week, but I think we covered most of this territory."

Speaker Churchill: "Representative Fantin."

Fantin: "What would the cost of this be?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Again, that would vary depending on volume."

Speaker Churchill: "Representative Fantin."

Fantin: "If there was only a reduction, say of less than a dollar, would this still require a postment?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "From the testimony that I heard there was tale after tale of assessed values of over 200,000. I doubt seriously if I've ever seen someone get a reduction of only a dollar on an assessed value of 200,000. Particularly in Cook County where they have an annual reassessment of commercial entities where they regularly show almost a 100% of the...properties, for example, 100% of them get a reduction

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

and all of them are far greater than a dollar, Representative."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Churchill: "She indicates she will. Please proceed."

Schoenberg: "Representative, I want to follow up on a question that the...that Representative Fantin had asked earlier. If we...or the smaller counties within the State of Illinois, the posting requirement would obviously be done in a very uncumbersome...uncumbersome manner. However, for higher volume counties, such as Cook County, DuPage County, and the collar counties, I'd anticipate that, that the sheer volume of processing paper would indeed be very costly. Are you...is there a provision in this Amendment that provides for a fee which would cover the increased...the increased administrative costs as a result of making this additional information available to the public?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "No, there is no fee as we well know particularly in voluminous counties. I always like to use comparison to other offices. The Cook County Clerk's Office, for example, regularly publishes all of the elected people running in a reelection, all the judges of election, all the polling places. The Secretary of State's Office regularly deals with, with getting volume done with regard to the number of licenses issued. So when it comes to either dealing with volume or meeting posting requirements the bodies themselves already are under certain publishing requirements. It's data that is readily available to that office. What we're trying to do, Representative, is to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

have that data be just as available and readily available for the taxpayer."

Speaker Churchill: "Representative Schoenberg."

Schoenberg: "Do you think anybody's disputing the necessity to have as much information available as possible? I guess the question is, if, in fact, this is going to be information that is primarily going to be used for seeing where reductions have been made in commercial properties, then I'm just concerned that we're creating a cottage industry so that we're not ultimately making more information available and providing your much beloved sunshine, but rather what we're doing is, providing increased administrative costs to each of the assessor's offices in order to make this information available. Ultimately I would anticipate that someone from the private sector would probably seek to purchase all this information, make it available on a data base and then sell it to people who deal primarily in commercial real estate. Do you anticipate...I have another question, Mr. Speaker. Representative Murphy, what...based on your extensive experience, what would you anticipate the breakout would be between cases where it would apply towards commercial property versus cases where this would apply to residential property?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Well, you bring up a wonderful point, Representative. The regular bungalow residential owners of Cook County hardly get an opportunity to formally appeal their taxes, in as much as we don't have a three member Property Tax Appeal Board. So, right now because of how costly it is and one has to hire an attorney, the preponderance of cases happens to be for our business

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

owners. In as much as very few counties...parcels of property in Cook County are assessed according to the ordinances that Cook County has offered. I believe the preponderance would be for commercial and for those properties over 200,000 because regularly we see an over inflated assessment and they magically, when they hire an attorney, get that assessment reduced on a regular basis. You know...what I think what we'll find, Representative, is a large case of recidivism, when it comes to the reduction and assessments. Those that know how to get their assessments reduced in Cook County do a wonderful job of getting them reduced later on."

Speaker Churchill: "Representative Schoenberg."

Schoenberg: "Representative, is there a provision in this Amendment which requires the attorney's names to be posted?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "That would be at the initial complaint part, Representative. The...we would have the attorney of record, and in some instances some counties already allow this. So this would be by statute then that the name of the attorney and the name of the law firm would be required to sign the complaint, at the initial complainant stage."

Speaker Churchill: "Representative Schoenberg."

Schoenberg: "There are some...there are some individuals who provide property tax appeal services who are not necessarily attorneys. Would they be covered by this as well?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "No, this right now states attorneys of record."

Speaker Churchill: "Representative Schoenberg. Representative Schoenberg, your time is up. You were just trying to ask a

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

question, if you would ask a real brief one it would be appreciated. Representative Schoenberg."

Schoenberg: "Certainly. Representative, why did you...since there are private individuals who do provide property tax appeal, guidance and services, since you're not necessarily required to be a lawyer, why are those individuals exempted? And before you answer the question, Representative, I'd like to ask Mr. Speaker, if we could have a Roll Call Vote on Floor Amendment #2?"

Speaker Churchill: "A Roll Call Vote has been requested. Representative Murphy for the answer."

Murphy, M.: "I would be happy to explore that later. However, at the hearings that we held, we heard regularly how a select group of tax attorneys regularly has a better track record with regard to assessment reductions, and thereby on a contingency fee basis, regularly saves their clients money, and also does a good job of making their firm money. Nothing wrong with that. But many times when someone is not an attorney and they're hired to go in and find, going from office to office in the county building, they often are trying to get information and sometimes they aren't into the serious stage of complaint. So, once they get to that hurdle, where it's a serious case, where expertise is required, where there can be some certain question mark as to how certain individuals or firms have a better track record, I think it's time for some public scrutiny and disclosure."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I simply rise in support of this Amendment. If you're for sunshine in this process you should be for this

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Amendment. This Amendment opens up a system which has been a closed system for a long, long time. We believe that we ought to get more information about property tax appeals and assessment complaints within the county. If you're opposed to that, if you believe that information is bad or if you believe that we should do something in the dark rooms then you ought to be against this Amendment. But if you believe that what you should know is what's going on in this process, how much these property tax...these assessments are being reduced and what impact they will have, then you ought to be for this Amendment. This is an attempt to try to bring some sunshine to the process. And I know the Sponsor has worked very hard to try to...to work this Amendment into shape and I think she's done a good job. I support this Amendment because I believe, as Representative Murphy has indicated, that this is a unit of government that is kind of a mystery to a lot of people. But it affects people, it affects the amount of taxes that you pay. So you should be able to be entitled to as much information as possible. So if you're for sunshine, you're for this Amendment. If you believe that we ought to keep this process in the bowels of the county building, in those dark corners, then you ought to be against this Amendment."

Speaker Churchill: "Further discussion? The Gentleman from Clinton, Representative Granberg. Perhaps all the folks gathered in front of Representative Granberg might move to another area so that the Members can see Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Churchill: "She indicates she will. Please proceed."

Granberg: "Thank you. Representative Murphy, I was not in the Revenue Committee, I'm not a member of that committee, and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

if you've already answered this I apologize, but were there any groups in opposition to the Bill in committee...the Amendments?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "In committee we did have a representative from Cook County Assessor Hines office who had reservations and needed to get some information to me on figures, but more importantly Representative, I was very pleased to have the Chicago Bar Association look over the Amendment and they found no problem or opposition to it."

Speaker Churchill: "Representative Granberg."

Granberg: "Well, my perspective is that of a downstate Legislator, Representative. Was there anyone present from the counties, organizations or the Municipal League, any of those groups present?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "No, there was not."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative, can you tell me the current law and how this would impact downstate communities? My concern is not so much with Cook County and what you're trying to do for political purposes. I can understand what you're trying to do, but how does this impact downstate?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Well, the difference is downstate has a Board of Review and a three member Property Tax Appeal Board, Representative, Cook County doesn't have that, but this would require the disclosure of any reduction by those boards."

Speaker Churchill: "Representative Granberg."

Granberg: "So, would this put an additional requirement on our downstate counties?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Most of this...all of this information is of record somewhere in all of the county offices. To offer it to the public, to be able to have the scrutiny and to be able to have the sunshine, as we were talking about, for...you said for political, political is of the people. The people of your county, Representative, I believe would be better served. When they go to that Property Tax Appeal Board or if they go to the Board of Review and they could readily access the amount of the reductions, particularly on the more expensive properties that have secured large reductions. It would be a benefit to your voters, Representative."

Speaker Churchill: "Representative Granberg."

Granberg: "You never answered the question, but I'm getting used to that too. Does this put an additional requirement on our local counties?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Yes."

Speaker Churchill: "Representative Granberg."

Granberg: "So, we're requiring our counties to do one more thing. In an age we're taking money away from them and we're still mandating additional responsibilities. So this will require all of our downstate communities to carry out another posting requirement, another...another requirement for them to assimilate paper work. Put all these materials together and require to post it or publish it, is that correct?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Representative, perhaps I should underscore for you that the \$200,000 was not a market value but was an assessed value. So if some mathematicians were telling me

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

this would be a million or more dollar parcel, it's my understanding that with the down stater county organizations not being out against us, that quite conceivably the number of parcels that would be affected are very limited to be sure. So, the methodology of taking the data they already have on the books and presenting it in a public fashion would again be very serving to your constituents."

Speaker Churchill: "Representative Granberg."

Granberg: "Well, if this is such a good idea and you're talking about \$200,000 threshold where it doesn't impact anybody. Why are we doing it for downstate communities? Why don't you just exempt the downstate communities from this requirement?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "There's more to the Bill that would affect if you'd like to expand on the requirement, Representative, and that has to do with at the time of complaint any of the law firms, the pin number, all of the data that would be collected and many of your counties may be doing this already. So I submit, Representative, that the requirements are not that additionally burdensome to the downstate counties."

Speaker Churchill: "Representative Granberg."

Granberg: "Have you ever gone downstate, Representative and seen our Boards of Review at work? Have you ever been familiar with how this process works downstate?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "No, I have not."

Speaker Churchill: "Representative Granberg."

Granberg: "As a down stater I appreciate your coming down and trying to change our laws and what we have to do. Since

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

you admit you've never seen the process, you're not familiar with the process. That makes me as a down stater feel very good about your legislation. Mr. Speaker, to the Bill. I understand what the Representative is trying to do for political reasons, she wants to do whatever she wants to do, but to include downstate in this is not...is not beneficial to downstate communities."

Speaker Churchill: "Representative Granberg, please bring your comments to a close."

Granberg: "She says how it does not impact downstate but then she makes downstate...requirements. So if she was serious she'd exempt downstate or lower the threshold. She's only doing this for one reason, it's a political thing with Tom Hines. Why don't we just come out and admit it? It's been like everything else on that side's agenda recently. It's the airport, it's everything else, it's after Cook County. Well, if you want to do that fine Representative do it, but leave downstate out of it, will you? Just keep...you're putting all these additional mandates on our people, it has nothing to do with your political agenda. I urge a 'no' vote."

Speaker Churchill: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Hassert."

Hassert: "Mr. Speaker, I move the previous question."

Speaker Churchill: "The question is, 'Shall the previous question be moved?' All those in favor signify by saying 'aye'; any opposed say 'nay'. In the opinion of the Chair the 'ayes' have it, and the previous question is moved. Representative Murphy, to close on Floor Amendment #2."

Murphy, M.: "Thank you, Mr. Speaker. Again, this is the information that is already there but the common everyday taxpayer cannot find it in any particular fashion. This is

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

about the reduction in assessments. And I have been in tax cap hearings in Rockford and DeKalb and all the way in Springfield. And we keep hearing about galloping assessments. And then we hear the other side of the story where the privileged few get to go in and have their assessments reduced and at what cost. It's important that if we have a complaint process, we have due process, that we open this up for the citizenry. If this is supposed to be a public record, why should it be so hard for the public to access that record? I urge your 'yes' vote on this. Thank you, Mr. Speaker."

Speaker Churchill: "On this question, a Roll Call Vote was requested. So the question is, 'Shall Floor Amendment #2 to House Bill 1172 be adopted?' All those in favor shall vote 'aye; any opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? All those in favor...Mr. Clerk, take the record. On this question, there are 57 voting 'aye', 47 voting 'no', 5 voting 'present', and Floor Amendment #2 to House Bill 1172 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Churchill: "Third Reading. The Chair needs to return to House Bill 630. Mr. Clerk, what's the status of the Bill?"

Clerk Rossi: "House Bill 630, is on the Order of Third Reading."

Speaker Churchill: "Return the Bill to Second Reading. The Chair recognizes the Gentleman from Cook, Representative Eugene Moore."

Moore, Eugene: "Yes. On House Bill 630, I move to table Amendment #1 please."

Speaker Churchill: "Is there any discussion? There is no discussion. All those in favor will signify by saying

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

'aye', any opposed will say 'nay'. In the opinion of the Chair, the 'ayes' have it, and Floor Amendment #1 is tabled. No further Motions. Third Reading. Representative Salvi, are you prepared to do House Bill 1221? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1221, has been read a second time previously. No Committee Amendments. Floor Amendment #5, offered by Representative Flowers, has been approved for consideration."

Speaker Churchill: "The Chair recognizes the Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House. Amendment #5 to House Bill 1221, it establishes the provisions to require the Department of Children and Family Services to insure that a child's best interest is met. It provides that DCFS must place a child with a relative, a person of the racial ethnic, heritage or a person who is knowledgeable and appreciative of the child's racial or ethnic heritage. It also gives preference of placement. It requires DCFS to make special efforts to recruit foster parents, and adoptive families from among the children's relatives and families of the same race. It requires DCFS to development and implement a written plan for placing children. It also puts a limit on the amount of time that DCFS could place a child, and it also, last but not least, also requires DCFS to give notice to specific persons who have cared for this minor in the past in regards to the termination of parental rights and to let them know that this child is up for adoption, and I would be more than happy to address any issues that you may have in regards to Amendment #5."

Speaker Churchill: "Any discussion? The Chair recognizes the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of Amendment #5. Representative Flowers has worked hard with the Sponsor of this Bill to craft an Amendment relative to transracial adoptions that will work, that is fair to the children, that's fair to the adopting parents, and works well within the system. It's something that Representative Flowers has been working on for a very long time. It's something that has been worked on by the task force that traveled the state to study child welfare, and I very strongly support the Amendment, and hope that you all will as well."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Churchill: "She indicates that she will. Please proceed."

Mulligan: "Representative Flowers, this is just an Amendment, it does not become the whole Bill, correct?"

Speaker Churchill: "Representative Flowers."

Flowers: "This is just an Amendment."

Speaker Churchill: "Representative Mulligan."

Mulligan: "Can you tell me how it changes the original Bill?"

Speaker Churchill: "Representative Flowers."

Flowers: "It adds to the original Bill, because it addresses placement, it addresses a plan as far as moving the children out of the system into a home, out of the institution."

Speaker Churchill: "Representative Mulligan."

Mulligan: "How would it affect, say the 'Burgost' Decree?"

Speaker Churchill: "Representative Flowers."

Flowers: "It would not violate the 'Burgost' Decree because it

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

says specifically, with that issue that you shall look within the person's family. So, it would be in line with the Burgost Decree."

Speaker Churchill: "Representative Mulligan."

Mulligan: "Is this the Amendment that would give them three months to decide or look for an appropriate family?"

Speaker Churchill: "Representative Flowers."

Flowers: "You're taking that particular portion out of contents. What the Bill specifically says, that upon termination of the parental rights of the child, because also in the Bill, it talks about setting forth a plan to recruit and have more adoptive families and foster parents, so therefore, if you have your recruitment over here, and you know that you are in the process of having the rights of this parent terminated, and this child shall be up for adoption, you have from the time that this child is up for adoption, you have three months to place the child, because this didn't just happen yesterday. This may have been going on for the longest, so again, it's a plan to move the children out of institutions, and into families. That is what this Bill is all about."

Speaker Churchill: "Representative Mulligan."

Mulligan: "How would it affect, say a child that has been placed with a foster family and may have remained there for two years before the rights of the parent are terminated. Would those parents, foster parents who have had the child for two years, which is a considerable length of time, be given the first option or should they have been considered in the beginning before the child was placed with them, because after the parents rights are terminated, then you have three months to look for another family? That child may have been living with a family for two years and that's

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

the only family that they know."

Speaker Churchill: "Representative Flowers."

Flowers: "Very good question. Again, it deals with multiple placement. DCFS would have to justify the reason for moving that child out of that family. You cannot just pick a child like you're picking a bunch of flowers."

Speaker Churchill: "Representative Mulligan."

Mulligan: "Then when the child is first placed if they think it is going to be some kind of long-term placement, they should consider the factors that you request be considered when and if the child were to be up for adoption at that time with the first placement also."

Speaker Churchill: "Representative Flowers."

Flowers: "I didn't hear her."

Speaker Churchill: "Representative Mulligan, I'm sorry..."

Mulligan: "She would like me to repeat the question, I probably didn't make it clear. If the child is...when the child is first placed in a foster family, and there has a potential there possibly, you know, down the road to be adopted. The things that you would like to be considered when the child is up for adoption, should then also be considered when it is placed in any long-term foster home, wouldn't you...say...in a Burgost Decree, they have to sign a waiver if they place that child for foster parents that's not hispanic. I'm just wondering how it would affect that, because you may find a placement in a family that isn't...a family that would come under that three month requirement as the first place when the child is...the first placement."

Speaker Churchill: "Representative Flowers."

Flowers: "The three month requirement has nothing to do...what...we're talking about placing a child in a

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

permanent home after the child is available to be adopted, then the department will have three months to find placement for this child. If I understand you, I really didn't quite understand specifically what it is you're trying to ask me in regards to the placement of this child. If we could have some order..."

Speaker Churchill: "Ladies and Gentlemen, again the two people debating cannot hear each other even though they're only standing about 15 feet apart. Will the people in the House please pay some attention to the people who are debating this issue, and please move your conversations and other things to the back of the Chamber, please. Representative Mulligan, your time was up. Further discussion? The Lady from Cook, Representative Howard."

Howard: "Thank you, Mr. Speaker. I rise in support of this Amendment. As has been the case with a number of people in the African-American community with whom I have discussed this matter, I had at one time been very reluctant to support any kind of transracial adoption. My reasons for reluctance have been because I believe that cultural heritage is very important and of course I believe that would come with same race placement. I've also not been convinced that the efforts that have been exerted have been concentrated, and that they've been serious? As far as I am able to determine, this Amendment does address my concerns, and I believe that not only does it require that...well I'm satisfied that is because I know that not only does it require that there be a concerted effort to identify same race parents, but also in the event that these efforts are not successful, only those persons of another race who have demonstrated some kind of real concern for the cultural heritage of that child, will be

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

considered. With this Amendment, I will be proud to be a part of the sponsorship team and I certainly commend the Sponsor of the Amendment and the Sponsor of the Bill, and I urge that all of my colleagues also vote 'yes' on this matter. Thank you."

Speaker Churchill: "Further discussion? The Lady from Will, Representative Ciarlo."

Ciarlo: "Mr. Speaker, I'd like to yield my time to Representative Mulligan, please."

Speaker Churchill: "Representative Ciarlo yields her time to Representative Mulligan. Representative Mulligan will start again. Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Churchill: "She indicates that she will."

Mulligan: "Representative Flowers, I'm not opposed to your Bill, I'm just trying to get a few things straightened out, as you know, I was one of the cosponsors originally and I really was not part of the negotiations. I had a...I will tell you about a situation in my own district, and then maybe you can tell how it would apply and it would be the question I was asking prior to this. Two sisters were placed in a family for foster care, and they remained in that family for...oh five years before the parents rights were terminated. The family was white, the sisters were hispanic, originally there had been a Burgost Decree waiver. At that point when the parents...the mother's rights were terminated, I feel that it would have been inappropriate for those two little sisters who had grown up in that family to then start looking around for three months at that point for a hispanic family. And I want some insurance from you that that's not how the Bill would be and this plan that they're suppose to put out, kind of a

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

service plan to begin with, I would like to know that that was considered in the beginning and waived. If they're going to leave the children there for any length of time, because I think a year, or two years, or three years down the road which we all know sometimes you give the parent that length of time to try and get their act together before the rights are terminated. Those children start becoming attached to that family, and normally that is considered in any adoption proceedings. I'm just wondering how your Bill addresses that problem?"

Speaker Churchill: "Representative Flowers."

Flowers: "Representative Mulligan, it does address that problem. Again, Section 7.7, line 26 of the Bill, talks about the multiple placement, but in the beginning you have to understand, like you said, it's been three to five years that this has been going on. DCFS has then had an opportunity to have an idea that the rights of these parents are going to be terminated. In those three to five years there could have been other family members to show an interest in these children, but obviously we can assume that none were pained to do so, as a result of that, Section 7.7 would address the concerns that you would have in regards to that particular situation, and that's the multiple placement, because DCFS would then have to show cause as to the reason why they would be removing those children from that family."

Speaker Churchill: "Representative Mulligan."

Mulligan: "But Representative, wouldn't they...wouldn't DCFS have been best served by looking for those relatives initially so that this situation would not happen?"

Speaker Churchill: "Representative Flowers."

Flowers: "You're absolutely right and that's exactly what the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Bill states that it should do initially. That's exactly what the Bill says and that's in the first...it's in Section C."

Speaker Churchill: "Representative Mulligan."

Mulligan: "Thank you Representative, that's what I need to know."

Speaker Churchill: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Churchill: "She indicates that she will. Please proceed."

Pugh: "Representative, could you explain to me the genesis of this legislation and what the objective is designed to do?"

Speaker Churchill: "Representative Flowers."

Flowers: "Representative Pugh, the genesis of the legislation is federal legislation that Representative...Senator Carol Mosley-Braun passed, that states...that each state would have to come up with a plan in order to continue to receive federal dollars as far as getting the children out of the system that's been held too long. That's it."

Speaker Churchill: "Representative Pugh."

Flowers: "I mean, is there something specific you're looking for? Maybe if you asked specific questions I could..."

Speaker Churchill: "Representative Pugh."

Pugh: "Am I to understand that this legislation is designed to create somewhat of a level playing field that would allow individuals that are interested in multiracial adoptions outside of their race to make it easier for them to adopt individuals of another race?"

Speaker Churchill: "Representative Flowers."

Flowers: "Representative Pugh, the purpose of my legislation happens to be two-fold or three-fold. Number one,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

unfortunately kids...we have about 5,000 children that are lingering in harm's way of DCFS, and only 1,200 may be adopted this year, so, that means we have a lot of kids left in the system. And unfortunately, I don't think DCFS has done a very good job in regards to recruiting adoptive families or either foster families. So, as result, we have kids lingering in the system and yes, there has been different groups of people who have been interested in adopting black babies, but they were not able to do so for various reasons. So, again, this legislation is to address the issues of moving children out of the system, into families. That is the nature of this Bill."

Speaker Churchill: "Representative Pugh."

Pugh: "So, are we focusing on black babies or hispanic babies or black babies, I'm not sure, and to...who are the families that have expressed interest? Who are the people that have expressed interest in adopting whatever race you're speaking of? That's a two-fold question."

Speaker Churchill: "Representative Flowers."

Flowers: "Representative Pugh, my Bill is for babies. If they happen to be black, that's fine, if they happen to be white, hispanic or indian or other, my Bill will address having babies to be able to be placed into families, that's the nature of my Bill. Now the other question you asked, who have been interested in adopting, well I don't know how many calls you've gotten in regards to DCFS, but I have quite a few in regards to people who have wanted to adopt, but for some reason, have been steered in another direction in regards to adopting or saying for some reason that they cannot adopt. Or, there has been a lot of red tape, a lot of misinformation out there. A lot of people think that you have to be rich, you have to live in a certain

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

neighborhood, that you can't be single, that you can't be black, that you can't be white, that you can't be a lot of things. So, this Bill will set the record straight as to who can and who can't and again, the purpose of this legislation is to move children out of the institutions and into families."

Speaker Churchill: "Representative Pugh."

Pugh: "So, what we're creating here is sort of an affirmative action for adoption?"

Speaker Churchill: "Representative Flowers."

Flowers: "Representative Coy Pugh, if that's what you want to call it and if affirmative action is going to get a baby a home and out of the institution, call it affirmative action. If affirmative action is going to put a mother's arms or a father's arms around a baby, call it affirmative action, but right now, that's what you want to call it and that's what I would adhere to, I respect you."

Speaker Churchill: "Representative Pugh."

Pugh: "And that's the term that comes to mind when you're talking about avoiding discrimination as it relates to adoption or as it relates to applying opportunities for individuals who would like to take advantage of an abundance of resources. So,..."

Speaker Churchill: "Representative Pugh, please bring your remarks to a clo...conclusion."

Pugh: "Thank you, I have no further questions."

Speaker Churchill: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Hassert."

Hassert: "Mr. Speaker, I move the previous question."

Speaker Churchill: "The question is, 'Shall the previous question be moved?' All those in favor signify by saying 'aye', any opposed say 'nay'. In the opinion of the Chair, the 'ayes'

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

have it and the previous question is moved. Representative Flowers to close."

Flowers: "Mr. Speaker, I would ask for a favorable Roll Call on Amendment #5 to House Bill 1221."

Speaker Churchill: "Representative Flowers, you are the only person seeking a Roll Call. The Chair was intending to do it by voice vote. Is it allright to do it by voice vote? Representative Flowers indicates that it is okay. The question is, 'Shall Floor Amendment #5 to House Bill 1221 be adopted?' All those in favor signify by saying 'aye', any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and Floor Amendment #5 is adopted to House Bill 1221. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Churchill: "Third Reading. Representative Kubik in the Chair."

Speaker Kubik: "House Bills, Second Reading. Mr. Clerk, what is the status of House Bill 1260? Representative Skinner, do you wish this Bill called? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1260, has been read a second time previously. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #4, offered by Representative Skinner, has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from McHenry, Representative Skinner on Floor Amendment #4."

Skinner: "House Amendment #4 is a reiteration of the original Bill which...whose major purpose is to change the word 'mobile home' to 'manufactured housing'. What this Amendment does is, it differs from the original Bill, is that it takes any opportunity of the Department of Public Health to set fees independently. That is, there is no fee

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

increase possible in this Bill now."

Speaker Kubik: "The Gentleman has moved for the passage of Floor Amendment #4. Is there any discussion? On that, the Chair recognizes the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I have an inquiry of the Clerk. Amendment #3 and Amendment #4, appear to be identical. Is that true?"

Speaker Kubik: "Representative Schakowsky, while we're waiting for the Amendment, what if I recognize Representative Skinner, perhaps he can shed some light on this. Representative Skinner to respond to Representative Schakowsky's question."

Skinner: "Yes, if you'll look at page 13, line 25, you'll find one word is different. The word mobile was left in by mistake, in Amendment #3. It is not there in Amendment #4."

Speaker Kubik: "Representative Schakowsky. The Chair recognizes Representative Schakowsky."

Schakowsky: "Thank you. So, is Amendment #4 Representative, now the Bill?"

Speaker Kubik: "Representative Skinner."

Skinner: "Yes it is."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Can you explain to me the difference then between this Bill...I know you gave some reference to it in your remarks, but how this changes the Bill from it's original form?"

Speaker Kubik: "Representative Skinner."

Skinner: "It takes out the ability of the Department of Public Health to raise fees on its own. Fees would have to be raised statutorily."

Speaker Kubik: "Representative Schakowsky."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Schakowsky: "We can debate this on Third Reading. Just let it go."

Speaker Kubik: "Any further discussion? Seeing none, Representative Skinner to close on Floor Amendment #4. The Gentleman wishes...does not wish to close. The Gentleman moves for the adoption of Floor Amendment #2 (sic-4). Those in favor of the Motion will say 'aye', I'm sorry, Floor Amendment #4, I apologize, that is Floor Amendment #4. Those in favor of the Motion, will say 'aye', those opposed will say 'no'. In the opinion of the Chair, the 'ayes have it, and the Amendment is adopted. Any further Amendments Mr. Clerk?"

Clerk Rossi: "No further Amendments. A fiscal note and a state mandates note as amended by Floor Amendment #4, have been requested on the Bill."

Speaker Kubik: "Have they been filed?"

Clerk Rossi: "The notes have not been filed."

Speaker Kubik: "The Bill will remain on Second Reading. House Bills, Second Reading. Mr. Clerk, please call House Bill 1321. Representative Black, 1321, do you wish that Bill called? Out of the record. I'm sorry, the Gentleman wishes that Bill called. Mr. Clerk, please read House Bill 1321."

Clerk Rossi: "House Bill 1321, has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Black, has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from Vermilion, Representative Black, on Floor Amendment #1."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. The Committee adopted Floor...approved Floor Amendment #1 last week. It becomes the Bill. It creates a nine member advisory board on Parkinson's Disease control

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

to be appointed by the Governor for terms five. I think the research on Parkinson's Disease is making headway. I believe that this is something that has not been paid enough attention to, and I would ask your favorable consideration of Floor Amendment #1."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #1 to House Bill 1321, and on that question, is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates he will yield."

Schakowsky: "Representative, is Amendment #1 now the Bill or does it just address the board?"

Speaker Kubik: "Representative Black."

Black: "As far as I know, the Lady asked me if it becomes the Bill. That's all I could hear. Yes, Floor Amendment #1 becomes the Bill. It becomes the Parkinson's Disease Control Act."

Speaker Kubik: "Representative Schakowsky, before we continue, let's keep the noise level down here. It's very loud today. We're trying to continue with debate between the two people speaking, so, if we could keep the noise level down, and the Chair recognizes Representative Schakowsky. Representative Schakowsky."

Schakowsky: "Thank you. Representative, how will this board be initially funded?"

Speaker Kubik: "Representative Black."

Black: "Representative, if you want to stall on Parkinson's disease, ask me a question that somehow relates to it. There's no funding for this. This is...there's no funding for any advisory board we ever create. If you want to tell the people with Parkinson's disease that you want to stand

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

up and filibuster against this Bill, then say so. Otherwise, vote against the Amendment."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "I'm sorry that the Sponsor is out of sorts about questions. I'm not necessarily opposed to this. I think it's reasonable though to ask, for example, whether the appointees to the board will receive compensation, Representative. That's not an unreasonable question."

Speaker Kubik: "Representative Black."

Black: "Don't play mind games with me, Representative. I'm not in the mood for it. Alright? You know that every board created gets per diem and mileage. It goes without saying. What do you think I want them to get paid a million dollars a month? Come on. If you're opposed to Parkinson's disease, say so. You don't need to beat this thing in the ground. This is the simplest thing you're going to vote on all day."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Representative, it says that a medical organization that is recognized can nominate prospective appointees. How do you determine medical organization that's recognized?"

Speaker Kubik: "Representative Black."

Black: "You know I don't have the slightest idea. And I really don't care, because somebody with a lot more knowledge than I have will figure that out. I just want to create a simple little Parkinson's Disease Advisory Board. Again, if you have a problem with that, call for a Roll Call and vote 'no'."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Mr. Speaker, I feel that in this effort to just get some clarity on what this Amendment is about, that the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Sponsor of the Bill is inappropriately responding to my questions."

Speaker Kubik: "The Chair would admonish Representative Black and please respond to Representative Schakowsky's questions. Representative, do you have any further questions, Representative Schakowsky? Representative Schakowsky for a question."

Schakowsky: "I wanted to ask you, Representative, how the board's activities, since we are so concerned that they do the job that we want them to do, how those activities will be monitored and what standards are there in the Bill to determine whether this board that we're creating is effective?"

Speaker Kubik: "Representative Black."

Black: "Well, Representative, if you're really that concerned about it, now you look on page six right along with me, okay. Got a copy of the Amendment? Now if you read at the bottom of page six and the top of page seven, I think it'd be really clear to you what this board is going to do. No, no hidden agenda. Nothing of any earth shattering importance. Nothing that's going to cost the treasury excessive amounts of money. Rather, it's about as straightforward an Amendment as I have ever sponsored. I think you're trying to ask questions based on something that isn't in here. You know, if you want to ask me what my intentions are, ask me."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Actually, that was exactly my point, Representative, but I'm asking questions about things that aren't in here because maybe there ought to be some things in here. For example, there doesn't seem to be any reporting requirement. Is it your intention that there be any report

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

about what this board does?"

Speaker Kubik: "Representative Black."

Black: "Now see, Representative, now you're finally getting to the point. See, there's an old downstate saying, 'You've got to put the hay down where the goats can eat it or the goats going to starve to death.' You're talking about philosophy. Now let me just tell you what my intent is, alright. And you knew this. You've got a great staff person there. You knew this five minutes ago. We don't need to waste each other's time. This Amendment gets added to the Bill, alright. The Bill goes...stays on Second Reading and it stays there. If I need the Bill for something between now and the Fall Session, then that's what I'm going to use the Bill for. You understand now? It's a vehicle, Representative. It's a vehicle."

Speaker Kubik: "Representative Schakowsky, your time is fast going, but the Chair will... Please bring your remarks to a close. Representative Schakowsky."

Schakowsky: "Well, silly me, Representative, I kind of took you seriously and thought maybe this was a real Bill that was intended to do a real something and perhaps intended to address a real need. And I find out is it...if you're telling me the truth, it's hard to tell sometimes in this hall whether or not somebody is speaking in irony, that you don't want to help people with Parkins...I mean I can't quite figure out what it is. If this is a vehicle Bill, I certainly am gratified that in the end of this questioning, you told me what it was. I certainly had no objection to the notion of creating this kind of a board, just had a few questions about what it is. So, I don't think we should pass this Amendment."

Speaker Kubik: "Further discussion? Seeing no further

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

discussion, Representative Black moves the adoption of Floor Amendment #1. And all those in favor of the Motion will say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it; the Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Kubik: "Third Reading. For what reason does the Lady from Cook, Representative Schakowsky, rise?"

Schakowsky: "My understanding...This is a point of order. My understanding was..."

Speaker Kubik: "State your point."

Schakowsky: "...that this Bill was going to be held on Second Reading, if I understood the Sponsor correctly, that's what he said. Now we just moved it to Third, so was I wrong?"

Speaker Kubik: "Representative Black, perhaps you can shed some light on that question. The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Just to show that I'm really not out of sorts, and I can put the Representative's mind at ease, and I'll file the necessary paper work, I want you to take that Bill we just added the Amendment to and re-refer it to the Rules Committee. I want it off the Calendar. Alright, put it back in the Rules Committee. I don't care what Reading it's on - Second Reading - Third Reading. Put it in Rules Committee."

Speaker Kubik: "The Chair recognizes the Gentleman from Vermilion, Representative Black. Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Appreciate you recognizing me. At this time and I will file the appropriate Motion in writing, the Lady had a point. I did say Second Reading. I will move and will do this also in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

writing to re-refer House Bill 1321 with Floor Amendment #1 adopted to the Rules Committee on Second Reading. Could the Clerk do that or do we have to do something to get you out of a sticky wicket here?"

Speaker Kubik: "The Gentleman has moved to re-refer House Bill 1321 to the Rules Committee. That's the Motion before us. Any discussion? Seeing none, those in favor of the Motion will say 'aye'; those opposed to the Motion will say 'no'. In the opinion of the Chair, the 'ayes' have it; the Motion is adopted. Mr. Clerk, please read House Bill 1277. Representative Ryder. Out of the record. Mr. Clerk, please read House Bill 1384. Representative Winters."

Clerk Rossi: "House Bill 1384 has been read a second time previously. No Committee Amendments. Floor Amendment #5, offered by Representatives Winters, has been approved for consideration."

Speaker Kubik: "The Gentleman from Winnebago, Representative Winters, on Floor Amendment #5."

Winters: "Thank you, Mr. Speaker and Members of the House. This Amendment replaces language in the Bill and authorizes a pilot project, a juvenile intake center, to be located in the 17th Judicial Circuit as a statewide pilot project."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #5 to House Bill 1384. And on that, is there any discussion? The Rep...The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Kubik: "He indicates he'll yield."

Dart: "Representative, will this be any state...will there be state money expended on this at all?"

Speaker Kubik: "Representative Winters."

Winters: "As a pilot project, it is designed for state money on a

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

three year time frame. At that point, the county and the City of Rockford have both indicated that they would be willing to take over the funding at that point. The best estimate of capital and staffing cost would be approximately \$400,000 per year."

Speaker Kubik: "Representative Dart."

Dart: "The...Now then this is just for what judicial circuit now?"

Speaker Kubik: "Representative Winters."

Winters: "It was selected for the 17th Judicial Circuit, which consists of Boone and Winnebago County. It is designed to work very closely with the court system as an alternative sentencing and as an intake center for the first time juveniles that today are generally taken home because of the six hour time frame that the police have to work with them. We selected the 17th Judicial Circuit because it consists of only two counties. It makes it much easier to get the intergovernmental agreements and also because it is a microcosm of the state having both a large metropolitan area and the smaller...smaller communities, suburbs and villages that they can be used to serve as a microcosm of the state."

Speaker Kubik: "Representative Dart."

Dart: "Representative, I heard most of that, unfortunately the end of it, which I was real concerned with, I heard very little of that. Why is it that we're picking Boone County as opposed to any other area, Boone and Winnebago?"

Speaker Kubik: "Ladies and Gentlemen, again, can we hold the noise level down? The two people debating the Bill are having a very difficult time hearing one another. Now Representative Dart has asked a question. Representative Winters to respond."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Winters: "The primary reason that it was selected as the pilot circuit court district is because it only has two counties in it, making the intergovernmental agreements much easier to reach agreement on. The other reason, and frankly there are both Democratic and Republican Representatives in those two counties, so I think it's a good bipartisan pilot project."

Speaker Kubik: "Representative Dart."

Dart: "Couldn't the same thing be done say in any part of Cook County within the...because we've broken up our districts in Cook County, our judicial districts, we have further subdivided and we also have, in general, we have divided it up into districts under which the judges operate them, the municipal districts. Those of which cover both, some city and some suburban areas, cover both urban and non-urban areas as well. Could it not as well be used in a...some of the areas in Cook County for those very same reasons?"

Speaker Kubik: "Representative Winters."

Winters: "We selected one judicial circuit. It happened that it also had rural areas, which would probably be fairly hard to find in the Cook County jurisdictions. It has both rural, the heavily urban Rockford central district and the suburban areas and small villages. It really has a good microcosm of all parts of the state."

Speaker Kubik: "Representative Dart."

Dart: "For start... I'd ask for a Roll Call, Mr. Speaker, for starters on this. My...Why is it so important that we have a analysis of the juvenile crime in regards to the rural areas? Has there been a major explosion there and inability to deal with it in the rural areas?"

Speaker Kubik: "Representative Winters."

Winters: "The crime rate in rural areas is actually rising as

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

fast or faster than it is in urban areas, so it certainly is a concern statewide. The whole idea is to run a pilot and see if we can affect those young juveniles the first or second time through the system, rather than wait four or five times until they build a criminal history and a criminal habit that becomes much harder to break. That's why this pilot project is designed. Hopefully, it will show some significant changes in juvenile behavior. At that point, we can offer it statewide, but without the state funding. Let the local jurisdictions pick it up once they see that it does work."

Speaker Kubik: "Representative Dart."

Dart: "Is there not any type of mechanism right now for these areas to deal with these problems and if...I mean, don't they already have the authority to make these intergovernmental agreements amongst each others to do this, to accomplish this very thing? I know that someone like yourself would be very much in favor of intergovernmental agreements such as between Chicago and Gary and the like. Can't they do these already?"

Speaker Kubik: "Representative Winters."

Winters: "They do have...They probably do have the right to strike this type of intergovernmental agreement. They do not have the model that has been shown yet to work."

Speaker Kubik: "The Chair... Your time has expired, Representative Dart. The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. First of all, I want to reiterate Representative Dart's request for a Roll Call on this Amendment, please."

Speaker Kubik: "Your request is acknowledged. Representative Granberg."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Granberg: "And I thank Representative Black for his affirming that request. Would the Gentleman yield?"

Speaker Kubik: "Representative, he will yield. The Gentleman will yield. Representative Granberg."

Granberg: "Representative Winters, I think I heard you in your discussion with Representative Dart indicate that you have a...an interesting scenario where you have some urban areas, some rural, and that's why you feel, and the groups involved had felt, this would be the prime location to do this type of project. Is that correct?"

Speaker Kubik: "Representative Winters."

Winters: "I'm sorry. I didn't understand the question."

Speaker Kubik: "Ladies and Gentlemen, now this is the third time that we've asked to keep the level of discussion down. The Gentleman from Clinton is asking some important questions and the Representative Winters is trying to respond. Representative Granberg, would you please restate your question?"

Granberg: "Thank you, Mr. Speaker. I thought you had indicated, Representative Winters, that your area, because of its...the demographics and other reasons was appropriate for this pilot project. Is that correct?"

Speaker Kubik: "Representative Winters."

Winters: "Yes, it probably isn't the only area in the state that is uniquely unique, but we felt that it was a good microcosm. There may be other areas."

Speaker Kubik: "Representative Granberg."

Granberg: "Representative, what groups have been involved with this for your area in coming up with this legislation?"

Speaker Kubik: "Representative Winters."

Winters: "We have been in discussion through my Criminal Justice Task Force. We have included the Sheriff of the counties,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

the Chiefs of Police of two of the major cities. We have talked to the Chief Judge and to the Juvenile Court Judge, to the probation juvenile detention facility. We've tried to include most of the people who would be players in this juvenile crime area."

Speaker Kubik: "Representative Granberg."

Granberg: "And, Representative, what would be the cost to implement this pilot project?"

Speaker Kubik: "Representative Winters."

Winters: "As a rough number, the cost was approximately \$400,000, both capital and staffing."

Speaker Kubik: "Representative Granberg."

Granberg: "Representative, out of that \$400,000 figure, what would be the initial capital cost and what would be the general operating cost from this year forward?"

Speaker Kubik: "Representative Winters."

Winters: "The start out money is about \$30,000 and about 400...400 to 425 in operating expenses. And you have to understand, these are very rough estimates at this point."

Speaker Kubik: "Representative Granberg."

Granberg: "So the \$30,000 start off cost, that would be for the infrastructure, that would be for the capital necessary to implement this pilot project. Is that correct?"

Speaker Kubik: "Representative Winters."

Winters: "We are hoping to lease, you know, do a lease on some existing buildings, so that we wouldn't have to build a new facility."

Speaker Kubik: "Representative Granberg."

Granberg: "What property would be leased, Representative? Who are the owners? Where is the location? And what are their interests in that property?"

Speaker Kubik: "Representative Winters."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Winters: "There are several empty buildings in the downtown area next to the courthouse. There also is an existing facility next to our juvenile detention center that is vacant, but owned by the county at this point."

Speaker Kubik: "Representative Granberg."

Granberg: "Now let me understand this correctly. The property is downtown, one is right next to the courthouse in the downtown area. That property will be utilized for a boot camp? Is that correct?"

Speaker Kubik: "Representative Winters."

Winters: "This...let me get the nomenclature straight. This is not to be a boot camp. It is... The idea is an intake facility and as a possible work camp, not as a boot camp, a totally different concept."

Speaker Kubik: "Representative Granberg."

Granberg: "The boot...the work camps I'm familiar with, Representative, are generally in more rural areas or rural designation. But this would right be in downtown Rockford? This would be a work camp. Is that correct?"

Speaker Kubik: "Representative Winters."

Winters: "As we explored this, most of the use would be as an intake facility, so that the juvenile upon arrest would have someplace to be lodged under security where we could then draw in the drug rehabilitation, get them dried out, find out whether they're runaways and take them to the runaway shelter or in case of criminal behavior, hold them during the initial counseling with the probation officers and with the parents. The work camp idea would be if they violate the initial agreements on a second offense, they could be held there for up to 14 days and then taken out on a daily basis to work on roadsides cutting brush, cutting weeds, things like that. But these..."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Kubik: "Representative Winters, would you please finish your statement and then..."

Winters: "Again, these are the first time young offenders who are not violent. They're going to be much less dangerous than the ones who have been referred to the boot camp that you initially referred to."

Speaker Kubik: "Representative Granberg, your time has expired, but I would recognize you to make a short statement."

Granberg: "Thank you, Mr. Speaker. If the Representative could answer this question. He has no obligation to do so. My concern, Representative, is if you have an intake facility, why couldn't this be done currently with existing facilities such as the courthouse structure or the jail because then you make that assessment on everyone that goes into the project. You can make that needs assessment then. Then you can make the determination in the future as to what would be the appropriate rationale or appropriate treatment. But secondly, with the \$400,000 a year, Representative, I'm concerned as a down stater and as everyone else, we have these same problems in our areas. So why should we use \$400,000 that could go to other areas of the state? Whether it's Representative Bost's district, Representative Klingler, Representative Poe. Because if we vote for your project, we have to say to our people back home, we thought your project was more important. We don't have this problem in our area. We think Representative Winters does and we want to help him. We don't necessarily want to help the people in our district. So that's my concern, Representative. Thank you."

Speaker Kubik: "The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Thank you, Speaker. Will the Sponsor yield?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Kubik: "The Sponsor indicates that he will yield."

Hoffman: "Yes, Representative, would you consider...would you consider the crime of attempted...attempt to commit first degree murder a violent crime?"

Speaker Kubik: "Representative Winters."

Winters: "I don't believe that is a part of my Bill. Is that your Bill?"

Speaker Kubik: "Representative Hoffman."

Hoffman: "I think, Representative, I think you're mistaken. I think the problem is it's not a part of your Bill. That's the problem. I'm asking you this question. Do you believe that an attempt to commit first degree murder is a violent crime?"

Speaker Kubik: "Representative Winters."

Winters: "I would consider that...yeah, a violent crime."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Sir, would you consider solicitation for murder a violent crime?"

Speaker Kubik: "Representative Winters."

Winters: "I'm unaware of any juveniles yet that we have arrested for solicitation to commit murder."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, I think there's some districts in this state probably that that has happened, but I would consider that a violent crime. Would you consider aggravated battery of a senior citizen a violent crime, Sir?"

Speaker Kubik: "Representative Winters."

Winters: "Again, I don't think that we are going to see cases with first and second time offenders; the first or second time that they're arrested with aggravated battery of a senior. I don't think that would apply to this facility."

Speaker Kubik: "Representative Hoffman."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Hoffman: "How about vehicular hijacking and aggravated robbery?
Would you consider them violent crimes, Sir?"

Speaker Kubik: "Representative Winters."

Winters: "You seem to have a very extensive list of violent
crimes."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, I'm asking a question. Now let me tell you why
I'm asking these questions. First of all, we raised this
in committee and there's been no Amendment to the Committee
Amendment that I know of. This Amendment indicates that an
individual could serve 14 days in this boot camp of yours
if they commit a crime that is other than a crime of
violence defined under the Victim's Compensation Act. Is
that correct, Sir?"

Speaker Kubik: "Representative Winters."

Winters: "This is all discretionary language. You have to
realize that the normal juvenile court judge is not going
to assign somebody of a crime of the nature that you've
been talking to a work camp. They're going to be sent to
the juvenile detention facility. This is designed to offer
the judges another option in cases that they think are
appropriate, but I'm sure that these are not appropriate
cases for my pilot."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Sir, do you think that it would be appropriate in any
instance - in any instance - in any instance, do you think
that it would be appropriate for an individual to serve 14
days in a boot camp if he commits the offense of attempt to
commit first degree murder, solicitation for murder,
aggravated battery of a senior citizen, vehicular hijacking
or aggravated robbery? In any instance, Sir, do you think
that would be an appropriate sentence?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Kubik: "Representative Winters."

Winters: "I would assume that all Juvenile Court Judges would agree with you and would not sentence them to a work camp."

Speaker Kubik: "Representative Hoffman."

Hoffman: "I'm not sure that I disagree with you. But why in the world would we draft a piece of legislation, why we would let a piece of legislation pass out of this House, why would we adopt an Amendment, Representative, that says that a person who commits the offense of first degree...of attempted first degree murder, solicitation for murder, home invasion, aggravated battery of a senior citizen, aggravated robbery or vehicular hijacking would only have to serve 14 days in a boot camp. I don't think anybody on this side of the aisle, #1, there's the problem of this is only helping your district and you're using our state taxpayers' dollars, but #2, I think, that everybody on that side of the aisle, as well as this side of the aisle, should know that we're allowing juvenile judges under this Bill to give a person 14 days in a boot camp if he were to commit the offense of attempted first degree murder or solicitation for murder or home invasion or aggravated battery of a senior citizen or vehicular hijacking or aggravated robbery. I don't think that anybody in this chamber wants to do that to give that discretion away. I think, Sir, if you want to amend this Bill, like we ask that you do in committee, that we ask that maybe we can make a decent Bill. But to have a Bill that simply allows that and say to individual judges, 'Oh, judges won't do it anyway'. Well, I don't have that much faith in judges, Sir. I don't have that much faith that they won't make that mistake. How do you respond to that, that you're going to allow judges that type of discretion?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Kubik: "Representative Winters."

Winters: "The power of the Juvenile Court Judge is totally discretionary. They are not required to give a particular term in the juvenile detention center or the Department of Corrections for any...for any sentence. So, we're not doing anything in the way the Juvenile Court is set up right today."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Pugh. Representative Pugh."

Pugh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I had a couple of questions. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates he'll yield."

Pugh: "Representative, are the accusations that Representative Hoffman made true? Are we talking about sending youth who have committed murder to a youth camp for 14 days?"

Speaker Kubik: "Representative Winters."

Winters: "I guess I didn't take Representative Hoffman's statements as accusations."

Speaker Kubik: "Representative Pugh."

Pugh: "Would you...would you say that Representative Hoffman's statements were true?"

Speaker Kubik: "Representative Winters."

Winters: "Most of the most serious, violent crimes are automatically transferred to adult court and would not be even considered for this as a possible sentence."

Speaker Kubik: "Representative Pugh."

Pugh: "So, I would be safe in assuming that some would qualify. My next question, how many youths are we talking about housing in this facility? And what's the annual cost?"

Speaker Kubik: "Representative Winters."

Winters: "The number of juveniles who were facing initial arrest

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

or who were arrested for the first time, I believe was something in the order of 1500 to 1800 in our Judicial Circuit this past year. Those would be the ones that would possibly be eligible, understanding that the more violent to either protect them or to protect society would not be...not be handled in this facility, but in our own juvenile detention facility."

Speaker Kubik: "Representative Pugh."

Pugh: "And, does the...is the 17th Judicial Sub-Circuit located within a 1,000 miles of Cook County?...100 miles...I'm sorry, 100 miles of Cook County?"

Speaker Kubik: "Representative Winters."

Winters: "I believe that portions of Boone County would be within 50 to 60 miles of Cook County. The farthest region of Winnebago County would be approximately 80 to 90 miles from the edge of Cook County."

Speaker Kubik: "Representative Pugh."

Pugh: "So how would this piece of legislation affect the legislation we recently passed by Representative Kenner that allows for a similar program to be created in the County of Cook? Will they be billed simultaneously? Will they be in competition with each other or will one negate the other?"

Speaker Kubik: "Representative Winters."

Winters: "My proposal is a completely different proposition. Representative Kenner was talking about boot camps, which are designed to be a 90 day to six month, I believe, program for juveniles who already have a very extensive juv...criminal record. The work camp is designed and the juvenile intake facility is designed to deal with the first time that a kid is arrested. At some place, that instead of taking him in the squad car and within six hours, you

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

can't identify a parent, if you can't identify somebody else who can take care of that kid, that juvenile has to be released. There is no place to put him, if it's not a violent crime and if you can't find the mother or father, he has to be released. We need a facility where we can hold him up to 36 hours until we can find out: Do we need drug rehabilitation? Do we need to have the Runaway Crisis Intervention Centers involved? Do we need a probation officer involved? Give us someplace to hold them until we can get the parents down there to start dealing with the problem in his life early, the first or second time he's been...the first or second time he's been arrested."

Speaker Kubik: "Representative Pugh."

Pugh: "So, an individual is picked up, brought to this facility as an intake patient and once he's adjudicated, he goes to the work camp. And then what kind of work does he do?"

Speaker Kubik: "Representative Winters."

Winters: "He would be picked up and the officer would deliver him to the intake facility. At that point, the officer would be free to go back out into the street. This adds more cops out there on patrol. It allows people trained to deal with the agencies to do exactly that while they're holding the juvenile. I'm trying to remember the rest of your questions. The adjudication would take place probably not on the first time, hopefully the probation officers, the youth officers could deal with the informal agreement with the parents and with the juvenile setting forward specific behavior that he has to follow. It may mean staying in school, keeping his grades up, going to alcohol treatment."

Speaker Kubik: "Representative Winters, finish your response."

Winters: "It may include specific hours of community service that might include working at a local park, painting picnic

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

tables. It might include cleaning up roadsides, shoveling snow off the sidewalks in the winter at the schools, various kinds of public service like that."

Speaker Kubik: "Representative Pugh, your time has expired. I will give you one more minute, and if you could bring your remarks to a close or your questions in that time."

Pugh: "Thank you, Mr. Speaker. So, this program is not designed for individuals who have been adjudicated. It is designed for individual's pre-adjudication. That's the only...the question."

Speaker Kubik: "Representative Winters."

Winters: "The intake center would function for those before adjudication if they have a second violation or they drop out of school or they don't show up for their community service work. They could be brought in and adjudicated and at that point sentenced to the work camp for up to 14 days. But that would take adjudication to get them into the work camp side of it."

Speaker Kubik: "Representative Pugh."

Pugh: "And again, what kind of work are these 13 year olds to be doing?"

Speaker Kubik: "Representative Winters."

Winters: "Same kind of work I make my 13 year old do on the farm: cut brush, cut weeds, pick up the yard, all kinds of public service work that they already are doing and other volunteering programs."

Speaker Kubik: "Representative Pugh, we'd like you to bring your remarks to a close. One more question and then, okay. Representative Pugh, to ask one more question."

Pugh: "So, so will be in violation of any child labor laws here?"

Speaker Kubik: "Representative Winters."

Winters: "Legal council has not pointed out anything like that."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

I don't believe we would be."

Speaker Kubik: "The Lady from Cook, Representative Davis, is recognized."

Davis, M.: "I'd like to yield my time to Coy Pugh."

Speaker Kubik: "Representative Pugh, you have a very generous friend in Representative Davis. Representative Pugh."

Pugh: "Thank you very much. Will these...will these individual youths...Representative, will they be..."

Speaker Kubik: "Could we have some order so that Representative Pugh can ask a question? Representative Winters, for what reason do you rise?"

Winters: "I'd like to pull this from the record at this point."

Speaker Kubik: "The Gentleman wishes to pull this Bill from the record. House Bills - Second Reading. Mr. Clerk, please read House Bill 1227. Representative Ryder, you wish this Bill called? Representative Ryder, the Gentleman from Jersey."

Ryder: "Mr. Speaker, if I can, I'd ask the Clerk, it's House Bill 1277 and if you would ask him the status, and then we'll proceed. We'll proceed."

Speaker Kubik: "Representative Ryder is quite correct."

Ryder: "It's my fault, Mr. Speaker, I wasn't talking clearly when the Clerk was listening."

Speaker Kubik: "Mr. Clerk, what is the status of House Bill 1277?"

Clerk Rossi: "House Bill 1277 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2 has been approved for consideration and is offered by Representative Ryder."

Speaker Kubik: "The Chair recognizes the Gentleman from Jersey, Representative Ryder, on Floor Amendment #2."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Ryder: "Thank you, Mr. Speaker. This Amendment, which has been approved to be heard, has the word, 'surgicenter' on line 25 of page 3, which is line 96 of the Bill. And it is simply inserting that word since it is a new concept of recent vintage in the health facilities area. The paragraph into which it is inserted is a listing of the kinds of facilities for which the Health Facilities Authority may assist and the...these gnomes that work in the bottom of bond counsel law firms in Chicago. They're little gnomes, they go in before dawn, and then they leave after sunset. We're concerned that we wouldn't be able to include this new concept into the...into the Health Facilities Authority, even though it's clearly a health facilities (sic - facility). They said, and I'm sure in memoranda form in quadruplicate to all the appropriate parties, to insert the word, 'surgicenter', this one single word. And so this is our...this is my 'Gnome Bill', and I'd be happy to answer any questions from any other gnomes."

Speaker Kubik: "The Gentleman from Jersey, Representative Ryder, has moved the adoption of Floor Amendment #2. And on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield? I have a question or two about some gnomes."

Speaker Kubik: "The Sponsor indicates he'll yield on that question."

Dart: "Thanks. Yeah, I won't touch the gnome thing just yet. Is...I was looking over the Amendment, and I see where it inserts the one word. That was purely because of the gnomes, you're talking about bond reasons. Can you explain to me, cause somebody has concerns why we're just adding

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

that one word."

Speaker Kubik: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Representative, you asked an honest question; I'll give you a very serious answer. Bond counsel in this case, I think it's a Chapman and Cutler firm, which is renowned, indicated that in order to make certain that the bonds are never questioned, in the event that the Facilities Authority wishes to assist financially in these kinds of centers, wanted to have those centers specifically listed. This is...it's very technical; I understand that. These are technical folks. When you're talking about bonds, it is a technical area. It is purely at their recommendation that it be added."

Speaker Kubik: "Representative Dart."

Dart: "Yeah, not to beat this one, but is there...Was it not...Wasn't it already covered...or was this just to clarify, to make sure. Cause the way I was looking at it, I thought maybe that surgicenters were already covered under the existing language. Is this just to clarify that though?"

Speaker Kubik: "Representative Ryder."

Ryder: "Representative, I agree with you. I think you're reading the Bill correctly, and had I been asked to interpret it, that's exactly how I would have said it. However, because someone might question in this particular paragraph, the absence of that word, when you and I believe that it belongs elsewhere, the folks correctly stated let's just put it in to be doubly sure. So it's a double insurance kind of thing."

Speaker Kubik: "Representative Dart."

Dart: "Thank you. The final question was, is the other changes and deletions in the Bill, are those consistent with the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

previous Amendment? The only addition, period, is the surgicenter word?"

Speaker Kubik: "Representative Ryder."

Ryder: "That's correct, Representative. You're reading the Bill as the previous Amendments have created it. And only the single word, surgicenter is the part of Amendment...Floor Amendment #2."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Would the Sponsor of this Amendment yield for a question?"

Speaker Kubik: "The Sponsor indicates he will yield."

Parke: "Thank you. Representative Ryder, is there any kind of a status change by virtue of putting this word in that would have an effect on my local hospitals? Is this something that you're doing for the advantage of surgicenters at a disadvantage of my free-standing hospitals that are involved in providing the same kind of medical care that surgicenters are providing?"

Speaker Kubik: "Representative Ryder."

Ryder: "Representative, absolutely not. The intention is simply to raise the opportunity for surgicenters, but it does nothing to decrease opportunities for hospitals, which are already covered by the Act. So this simply includes surgicenters. It does nothing to hurt your hospitals."

Speaker Kubik: "Representative Parke."

Parke: "Thank you. So I presume the Meds...the Hospital Association would have no opposition to this Amendment. Is that your understanding?"

Speaker Kubik: "Representative Ryder."

Ryder: "You are correct, Sir."

Speaker Kubik: "Representative Parke. He does not wish to speak."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

The Chair...Further discussion? The Chair recognizes the Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Spea...Thank you very much, Mr. Speaker. I'd like to yield my time to Representative Dart."

Speaker Kubik: "The Chair recognizes the Gentleman from Cook, Representative... I'm sorry, Representative Hartke, did you say Representative Phelps or Dart? Dart. The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Yes, thank you. If the Sponsor would just yield for one more question here. I just have a question, one of the staff asked me about whether or not to technically make this correct. My understanding, my staff is telling me, is that the word, 'surgicenter' is more of a generic name...term and that if we were going to be more precise, we'd use...ambulatory surgical treatment center instead. And I just want to get a clarification then, if we are... Yeah, maybe we can just do this by way of legislative intent, if necessary. I just want to make sure, because I...from my understanding, from what staff has told me, that this is not used in the statutes elsewhere."

Speaker Kubik: "Representative Ryder."

Ryder: "Representative, thanks for bringing that to my attention. For distinct purposes of legislative intent, the word that is currently in the Bill, 'surgicenter' means ambulatory surgical center. That's the intent of the Sponsor; hopefully, it's the intent of you when you favor my Amendment. Thank you."

Speaker Kubik: "Representative...no further questions. Any further discussion? Seeing none, the Gentleman has moved for the adoption of Floor Amendment #2. And on that, all those in favor will say 'aye'; all those opposed will say

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #2 is adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Kubik: "Third Reading. Mr. Clerk, what is the status...what is the status of House Bill 1610? Mr. Clerk, the Sponsor does not wish that Bill called. Out of the record. House Bill 1807. Representative Myers. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 1807 has been read a second time previously. No Committee Amendments. Floor Amendment #1, sponsored by Representative Rich Myers, has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from McDonough, Representative Myers, on Floor Amendment #1."

Myers: "Thank you, Mr. Speaker. Floor Amendment #1 is a technical change that replaces the words, 'a community college' with 'a grant recipient'. And this is in reference to the size of a grant provided to a private company, association or industry for the development of curriculum only. And I would be glad to answer questions."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #1. And on that, is there any discussion? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates he'll yield."

Hoffman: "Representative, with regard to this Amendment, it's my understanding that it, as you just indicated, deletes references to community colleges. What practical effect does that have on your underlying Bill?"

Speaker Kubik: "Representative Myers."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Myers: "The reason that it deletes the reference of a community college is that at current time, the community colleges, as well as many other institutions, can receive funding for the training programs. This is just a Bill that allows all of those recipients under these grants to receive funds for curriculum development. The reason for the change is that the language as it currently was with the community college language only specified the community colleges would receive funds for curriculum development. The technical change that we are providing here makes any grant recipient eligible for funds for curriculum development."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Present law prohibits this type of use for curriculum development. Is that the problem?"

Speaker Kubik: "Representative Myers."

Myers: "Present law does not allow for this."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Are there any programs right now that are using it for curriculum development?"

Speaker Kubik: "Representative Myers."

Myers: "No, Representative."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Does this in any way prohibit community colleges from utilizing the money...the Amendment, I mean, Amendment #1, will it in any way prohibit community colleges from utilizing these funds for curriculum development?"

Speaker Kubik: "Representative Myers."

Myers: "They are already currently a grant recipient, so they would be included. It does not prohibit them."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So, the practical effect of this is to really say that any present grant recipient, which would include community

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

colleges, the practical effect of the Amendment is to allow all present grant recipients to use the...utilize the money for curriculum development, development not just limiting it to community colleges as was the underlying Bill."

Speaker Kubik: "Representative Myers."

Myers: "That is correct, Representative."

Speaker Kubik: "Representative Hoffman."

Hoffman: "I support the Amendment."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor of this Amendment yield?"

Speaker Kubik: "The Sponsor indicates he'll yield."

Parke: "Representative Myers, does this open the door for other institutions to get this kind of money at the expense of my community colleges?"

Speaker Kubik: "Representative Myers."

Myers: "This opens the doors for all grant recipients to receive these funds for curriculum development. Other groups include the industry, business groups, labor groups, universities and community colleges."

Speaker Kubik: "Representative Parke."

Parke: "Are they currently doing this and this is a codified add action or does it...there's a pot of money that my community college is currently using, and now you're opening up that pot of money to a large group of institutions. Which is it?"

Speaker Kubik: "Representative Myers."

Myers: "This is not opening up the pot to additional grant recipients. It is allowing those current recipients to receive additional funds from the same pot for the curriculum development. So if your community college is

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

currently receiving a grant for an industrial training program, this allows them to also recover funds for the curriculum development of that."

Speaker Kubik: "Representative Parke."

Parke: "So, in essence, there is an appropriation for this and currently anyone who qualifies can request funding under this, and you're simply acknowledging that as the current practice anyway. I'm still not sure if I understand. Are you... Is this limited only to community colleges? You want to open it up to others or is it current practice now?"

Speaker Kubik: "Representative Myers."

Myers: "It is not current practice now to receive dollars for curriculum development. This currently just allows those receiving industrial training program funds, which could be your community college, to receive dollars in their grant request for the curriculum development."

Speaker Kubik: "Representative Parke."

Parke: "Well, I guess I'm torn. I'm not sure I want to...I guess I'm kind of guarded of my community college system and it bothers me when we open the door for other, even though they may be worthwhile organizations, we terribly underfund our community college system as it is, and I'm concerned that we are further eroding a source of revenue that my community college system has. Do you sense that that is a concern that I should have or am I seeing a drag in here that isn't necessarily here or if it is, please share that with me and the Body."

Speaker Kubik: "Representative Myers."

Myers: "Actually, I see this as a benefit to your community college, because as I stated previously, currently they cannot recover those expenses for the curriculum

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

development. They have to incur those costs themselves or their business groups that are contracting with the community college funds those. This allows your community college to further secure additional funding for that program that they may otherwise have had to develop on their own cost."

Speaker Kubik: "Representative Parke."

Parke: "So, you're saying to me that my community college...the Illinois community college system is in agreement with this Amendment?"

Speaker Kubik: "Representative Myers."

Myers: "They have never indicated a position and certainly have not indicated any opposition to this."

Speaker Kubik: "Representative Parke."

Parke: "I guess I understand, but I'm still a little confused. Thank you."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Bureau, Representative Mautino. Representative Mautino."

Mautino: "Thank you. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates he'll yield."

Mautino: "Representative Myers, in this Bill...currently, how much money do we allocate to the grant program?"

Speaker Kubik: "Representative Myers."

Myers: "Currently, there's an appropriation request of 15,000,000."

Speaker Kubik: "Representative Mautino."

Mautino: "So, we're currently appropriating 15,000,000. Last year, how much of that 15,000,000 was used at the end of the fiscal year?"

Speaker Kubik: "Representative Myers."

Myers: "I'm sorry. Could you ask that question again, please?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Kubik: "Representative, would you restate the question for Representative Myers?"

Mautino: "Do we have additional dollars? Was that money all used last year, all the money dedicated to the ITP...or the grant program?"

Speaker Kubik: "Representative Myers."

Myers: "I believe it was, yes, Representative."

Speaker Kubik: "Representative Mautino."

Mautino: "Were all of the requests for funding met with the \$15,000,000, which was allocated in the past, or did we have community colleges and programs, which we were...which we had to deny funding requests for?"

Speaker Kubik: "Representative Myers."

Myers: "There were funding requests that were not met, Representative, but whether they were denied universities, community colleges or private or industry groups, I have no knowledge of that. It was pretty much a first come, first serve, I believe."

Speaker Kubik: "Representative Mautino."

Mautino: "As a...As a number then, how many...four of the \$15,000,000, which we allocate to the programs, what was the total dollar in requests? How many did we have to turn away? What was the total dollar amount?"

Speaker Kubik: "Representative Myers."

Myers: "I have no way of knowing that, Representative."

Speaker Kubik: "Representative Mautino."

Mautino: "If this Bill or this Amendment is accepted, what new areas are you going to be expanding or making available for requests?"

Speaker Kubik: "Representative Myers."

Myers: "The only area that will be available for requests with this language is curricula development. That area of the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

program that an institution conducting the industrial training program spons...putting on the course has to take to develop whatever course they're sponsoring or teaching."

Speaker Kubik: "Representative Mautino."

Mautino: "If, and there is no appropriation or increase in the legislation, we're still going to be operating off that same 15,000,000."

Speaker Kubik: "Representative Myers."

Myers: "That's correct, Representative, unless you would like to sponsor an increase in the ITP Program."

Speaker Kubik: "Representative Mautino."

Mautino: "That is the...actually that's an area where I think we should be putting more dollars toward. I do believe strongly in the ITP Program, and my concern is that your Amendment is going to take and divide that pie into smaller and smaller pieces, and I have a concern towards the community colleges because if something is worth doing, it's worth doing well -- the old saying goes. And the further that we string out those dollars, we end up allocating an amount of money to each program, which doesn't allow for the development of the best program. I respect what you're trying to do and, Mr. Speaker, to the Bill. Ladies and Gentlemen, to the Amendment, I have some concerns. I think that we have an excellent program and if the monies were available, I believe that it should be an expanded program. However, in the current budget, I don't believe we will see the additional dollars, and we should keep a good program strong, rather than stretching it out and allowing more into the...into the system, more people to draw upon a limited amount of dollars. So, I guess I would be rising in opposition to the Amendment and ask for a 'no' vote."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Kubik: "Further discussion? The Gentleman from Cook, Representative Hassert."

Hassert: "Mr. Speaker, I move the previous question."

Speaker Kubik: "The Gentleman has moved the previous question. The Motion is, 'Should the previous...The Motion is, 'Shall the main question be put?' All those in favor will say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Myers, to close. Representative Myers, one moment. Mr. Parke, for what reason do you rise?"

Parke: "Yes, thank you, Mr. Speaker. I would like a Roll Call on this."

Speaker Kubik: "The Gentleman has requested a Roll Call. His request will be honored. The...The Representative Myers is recognized to close on the Amendment. Representative Myers."

Myers: "Thank you, Mr. Speaker. I think there's a lot of people that have some misconceptions about this Bill. This Bill does not increase the number of people receiving these...or the grant recipients, other than those already designated in the Bill. It just is a technical Amendment that changes the language from community college to any grant recipient, not denying community colleges anything, but rather enabling community colleges to fully recover all of their costs, if they are, indeed, a recipient of the industrial training program grant. In addition, these are matching dollars, so if they are receiving funds for the program and the curriculum development, then whoever is contracting with the community colleges or the universities or whatever other grant recipient we have, the contracting individual puts in a matching number of dollars, which in essence should strengthen - should strengthen - each participating

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

program in a training nature. I urge an 'aye' vote."

Speaker Kubik: "Representative Myers. Representative Myers. Representative Granberg, the Gentleman from Clinton, for what reason do you rise?"

Granberg: "A point of order, Mr. Speaker. There seems to be some questions about this Bill."

Speaker Kubik: "Well, Representative, just one moment. I think Representative Myers has asked that this Bill...this Amendment be pulled out of the record, and I think that responds to your inquiry, so let...The Amendment is out of the record. The Bill is taken out of the record. House Bill 1523. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 1523, this Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Maureen Murphy, has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Murphy, on Floor Amendment #1."

Murphy, M.: "Thank you, Mr. Speaker. This Bill is being carried on behalf of the Illinois State Dental Society, which would expand the exemption Section of the Service Occupational Tax Act, the Use Act, the Service Use Tax Act and the Retailers Occupation Tax Act. It simply would include dental appliances, including but not limited to crowns, bridges and dentures. This change is being proposed because of the confusion this tax has caused on dentists, and because of the lack of a legitimate need to require dentists to self-assess themselves, and separate material costs from the labs may or may not charge the appropriate tax. I urge your favorable support and approval of Amendment #1."

Speaker Kubik: "The Lady has moved for the adoption of Floor

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Amendment #1 to House Bill 1523. And on that, is there any discussion? The floor recog...The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that she will yield."

Lang: "Thank you. Representative, good afternoon to you. Can you tell me what this will cost? Please don't read the Fiscal Note to me. I've read that. I don't believe it and you don't either. If you're exempting these things, it's got to have a cost, so maybe you could tell me what the cost is going to be?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "I do have a figure that's a mean figure of the Dental Society's operating their own lab. The average sent us, it would be 23,570. One percent of that would be about \$23 in tax, the cost for the state could possibly be according to records, 117,000 last year."

Speaker Kubik: "Representative Lang."

Lang: "You say 117,000. Is that what you said?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "Yes, Sir."

Speaker Kubik: "Representative Lang."

Lang: "Do you have any idea then why the Department of Revenue may have said there's no fiscal impact to the state?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "It probably has to do with cost of compliance and as to practice. As you are well aware of, there's many pages of exemptions that have to do with business taxes or service taxes, depending on what you'd like to call them. The labs do charge a tax. This would...this would be burdensome to the dental groups, to the dentists themselves, to their CPA's and I'm not quite sure that the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Department of Revenue has been able to have a record of compliance with regard to the collection of this tax."

Speaker Kubik: "Representative Lang."

Lang: "Well, doctors, hospitals, clinics, optometrists, pharmacists and supermarkets pay the 1% assessments. Why should we separate dentists out, and then in addition, won't we set a precedent where each of these other groups will be coming back for further exemptions?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "This has become a practice in the course of service occupations and doing business. We have the aquaculture, courtesy of Representative...Well, I won't use his name in debate. We have exempted photocopying. We have about 17 different exemptions. So again, when you're charged a fee, we revisited this last year with the telecommunications tax, that when your dentist charges you \$500 for dentures or a bridge, he doesn't break down a cost of sales tax. So, I guess some dentists are collecting, some aren't. It's gotten to be quite a hodgepodge, and we already have exemptions of this kind in various professions."

Speaker Kubik: "Representative Lang."

Lang: "Well, you don't mean to suggest that some dentists are not collecting the money and paying it as they're supposed to, do you? You're not suggesting that to us."

Speaker Kubik: "Representative Murphy."

Murphy, M.: "It would depend on how they're doing business and what kind of accountancy capabilities they have. I don't have any idea, Representative, what the compliance rate is. Obviously, the Department of Revenue doesn't have that on record either."

Speaker Kubik: "Representative Lang."

Lang: "So are you then suggesting that since some of these folks

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

are not paying it, we should just do away with the tax?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "Of course not."

Speaker Kubik: "Representative Murphy."

Murphy, M.: "I said of course not. I'm not suggesting that."

Speaker Kubik: "Representative Lang."

Lang: "Well, so why do we need this? Let's assume that all of these other groups will now come in one by one by one and ask for their exemptions. That will cost the state millions of dollars presumably. Can we afford it?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "Each of these exemptions we have taken, debated in committee, on the floor of the House; we had several, one had to do with telecommunications tax, one is aquaculture, photocopying. I think it has to do with the practice they're in, that this is what has been occurring out in the field. So again, why can't...Any piece of legislation can trip other groups from coming in, Representative, but we will duly scrutinize each of those as they come before us."

Speaker Kubik: "Representative Lang."

Lang: "Well nevertheless, Representative, you're setting a precedent. If we change this for dentists, can't we be challenged? Can't the law be challenged in court by some other group that thinks they should likewise be treated? Why should we separate them out? This is not to say I don't support dentists, I do. But why should we separate them out in this way?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "Representative, we have over 17, as we last counted them, exemptions. Some of them passed this year. And again, this has to do not with the money issue, but with the collection and compliance. The cost to the dental

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

profession is approximately 250,000 to the Society to file. For the return of tax dollars, if we even tried a rough estimate of 117,000..."

Speaker Kubik: "Representative Murphy, could you finish your response? Representative Murphy."

Murphy, M.: "Again, I would reiterate that we would look at each one, and the cost for compliance as opposed to the little amount of dollars we could possibly bring in, merits the discussion of this at this time."

Speaker Kubik: "Any further discussion? Seeing none, the Representative Murphy to close."

Murphy, M.: "Yes, I urge a favorable vote. We have 17 other exemptions. The cost to the state is infinitesimal. And again, thank you for your fair consideration."

Speaker Kubik: "The Lady has moved for the adoption of Floor Amendment #1 to House Bill 1523. Those in favor of the Motion will vote 'aye'; those opposed will say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Kubik: "Third Reading. Mr. Clerk, please read House Bill 2141. Representative Moffitt."

Clerk McLennand: "House Bill #2141, a Bill for an Act that amends the Property Tax Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Maureen Murphy, is approved for consideration."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Maureen Murphy, on Floor Amendment #2."

Murphy, M.: "Yes, this Amendment #2 deletes the provisions which had incorporated this Bill into a Committee Amendment, House Bill 899, which would have allowed the chief county

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

assessor in counties of a population less than 100,000 to take competitive bids from newspapers in the area to publish the county assessment list or post the assessment list in public places. This provision was deleted from this Committee Bill to satisfy the concerns of the Illinois Press Association and the Members of the Revenue Committee. I urge your adoption of this Amendment."

Speaker Kubik: "The Lady has moved for the adoption of Floor Amendment #2. And on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Kubik: "The Lady indicates she'll yield."

Dart: "Representative, this would leave Amendment #1 intact, but removes certain provisions from it. What's the precise...We're left with Amendment #1 is still the Bill with something removed from it. What is the precisely the provision that's removed out of here?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "We are removing House Bill 899."

Speaker Kubik: "Representative Dart."

Dart: "Is this one of the Bills that in committee at the end we rolled a bunch of things into together? It was a couple different Bills that were rolled into one."

Speaker Kubik: "Representative Murphy."

Murphy, M.: "Correct."

Speaker Kubik: "Representative Dart."

Dart: "And just so I'm straight on this, when we did roll these Bills into one, was this just...was it 2141 and 899 or was there other Bills that were rolled into it? What is it that we...I'm just trying to get the numbers squared away here."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Kubik: "Representative Murphy."

Murphy, M.: "According to my analysis, the Bill contains language from House Bill 121. We now have deleted 899, 1828 and 2024 of the current speaker's Bill."

Speaker Kubik: "Representative Dart."

Dart: "Okay, it's just...not to drag this out at all, the provisions in 899 that are the only things being removed from this Bill and what precisely are those provisions that are being removed?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "At the behest of the Sponsor, who we have removed 899 from this Bill. I believe he's not pursuing this legislation and it...we did not want it to be part of the Committee Bill, because we wanted the Committee Bill to have as little opposition as we possibly could. The concerns of the Illinois Press Association concerned many Members of the Revenue Committee, and we wanted to meet their objections. In doing so, we removed House Bill 899, and that is what Amendment 2 does."

Speaker Kubik: "Representative Dart."

Dart: "Amendment...the provisions of Amendment 2 that are being removed, does that remove the Press Association's objections?"

Speaker Dart: "Representative Murphy."

Murphy, M.: "Best of my knowledge, it does."

Speaker Kubik: "Representative Dart."

Dart: "Now, in the regards to the rest of the Bill, what remains after Amendment #2, is there opposition to the remainder of the Bill now?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "Again, not to my knowledge."

Speaker Kubik: "Representative Dart."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Dart: "And once again, for Amendment #2 dealt with the provisions dealing with counties with fewer than 100,000 inhabitants and the publication fee and competitive bidding, those are the provisions that are removed now?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "That is correct."

Speaker Kubik: "Representative Dart."

Dart: "Thank you."

Speaker Kubik: "Any further discussion? The Chair recognizes the Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates she'll yield."

Novak: "Yes, Representative Murphy, I understand is there one of these clawback provisions in this Amendment that deals with...Is it not a fact that there is a, what we call a clawback phrase and this Amendment deals with tax abatements that are given to businesses and once those businesses get up and leave, they have to pay...they have to remit the abatement back to the local taxing body. Is that correct?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "Thank you for enlightening me on that phrase that I had yet to hear, Representative, but this is House Bill 2024 that's you're referring to that does have the previously abated real property taxes. Real property tax abatement can only take place upon a vote of the majority of the taxing districts selected governing body. Real property taxes can be abated for commercial and industrial entities of up to \$3,000,000 over a ten year period, \$5,000,000 over a ten year period. Any taxing district may abate real property taxes under certain circumstances for enterprise zones. These hold interests in sites of urban

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

decay. The Sponsor indicated he'd like to see the county treasurers give more leeway in date that the property be sold if the judicial order has been given. This allows a little more leeway. It will in turn attract more buyers who would compete to bid lower interest rates and would then in the end, lessen the cost of delinquent taxpayers in the long run."

Speaker Kubik: "Representative Novak."

Novak: "Representative, would it also apply to the phrase or the phrase that I indicated to you previously before your response, would it also apply to tax increment financing districts and enterprise zones?"

Speaker Kubik: "Representative Murphy."

Murphy, M.: "That is not what I believe the Amendment dealt with. I understand there's some concern over...or some discussion going on with one of your staff people. This was suggested by the County Assessors Association, the County Treasurers Association, and there's no fiscal impact of this Bill."

Speaker Kubik: "Representative Novak."

Novak: "Representative, thank you very much. Thank you."

Speaker Kubik: "Any further discussion? Seeing none, Representative Murphy, to close."

Murphy, M.: "Once again, this is a Bill that we've now removed one Bill from this, they're all good government times. They had full deliberation before the House Revenue Committee, and they contain the House Bill 121, by Representative Black, Representative Moffitt's Bill 1828 and Representative Kubik's Bill 2024. I urge your fair support and consideration. Thank you."

Speaker Kubik: "The Lady has moved for the adoption of Floor Amendment #2. Those in favor of the Motion will say 'aye'; those opposed will say 'no'. It's the opinion of the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Kubik: "Third Reading. Mr. Clerk, please read House Bill 2230. Representative Cowlshaw."

Clerk McLennand: "House Bill #2230. The Bill's been read a second time previously. Floor Amendment #7, offered by Representative Cowlshaw, is approved for consideration."

Speaker Kubik: "The Chair recognizes the Lady from DuPage, Representative Cowlshaw, on Floor Amendment #7."

Cowlshaw: "Thank you very much, Mr. Spon...Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2230 is a Bill that I am carrying for a group known as the Illinois Advisory Council on the Education of Handicapped Children. This is a statewide council, and it has held public hearings throughout the state for two years on the subject of how the due process hearings that have to do with special education cases should be handled. They have given a great deal of time to this. Two of the men who are members of this council, who were appointed to it because they are parents of severely handicapped children, brought me this legislation and asked if I would sponsor it. They told me then, and they had to have been very straightforward about this, that they were still in the process of negotiating some of the specifics of this Bill with various other groups throughout the state who have an interest in it. Three or four of those groups did come to an agreement, which is represented by Floor Amendment #7. Floor Amendment #7 becomes the Bill. It simply changes some of the language that is used in this Bill. For example, there are some...some people would prefer the term, 'disabled' rather than 'handicapped', and apparently

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

that was one of the concerns. There is no substantial change in the legislation itself. There's just some change in some of the language. However, Ladies and Gentlemen of the House, I want to make very clear to you that Floor Amendment #7, although it becomes the Bill, is not the final Bill. It appears that there is a Task Force of the Attorney General's Office that has been in effect for quite a while that is intended to review the very kinds of things that this Advisory Council have brought forward in House Bill 2230. And that group does not meet until sometime next week. And so, it is the intention and certainly it would be the commitment of this Sponsor that if this Amendment is adopted and this Bill is passed to the Senate, and I...When the two Gentlemen were here, I know they met with the Minority Leader Madigan, who I believe was inclined to support this Bill, and they met with Speaker Daniels, who also gave his word that he would support this Bill. But this is not the final form. We still need to make sure that the Attorney General's Task Force is satisfied with the language. And so it is under those circumstances, Mr. Speaker, that I would ask that Floor Amendment #7 to House Bill 2230 be adopted with the hope that we can later this week pass this amended Bill over to the Senate so that there can be continuing work on it. Thank you very much and I'd be glad to answer any questions."

Speaker Kubik: "The Lady has moved for the adoption of Floor Amendment #7 to House Bill 2230. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that she will yield."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Dart: "Representative, I...this Amendment represents the result of what committee was that again? Or..."

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "I'm sorry, Representative Dart. I could not hear what you said."

Speaker Kubik: "The Lady makes a very, very good point. It's very difficult to hear today. So, with that admonishment, could we keep the noise level down again? Representative Dart, would you please restate your question?"

Dart: "Thank you. Representative, what committee put forward this Amendment or what was the name of that committee again that put forward this Amendment?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, let's back up and start over, alright. We have now and have had for many years in Illinois a group known as the Illinois Advisory Council on the Education of Handicapped Children. Statutorily, there are appointments that have to be made to that group and among those appointments are some people who have to be appointed to that group, who are there because they are parents of severely handicapped children. This Advisory Council, including the parent members and all of the others, has held hearings throughout the state for two years working on what is now House Bill 2230. However, these people are more than willing to listen to the concerns or the, you know, the suggestions of absolutely anybody who wants to bring a suggestion to them. They have held meetings with as many as 22 groups having something to do with special education throughout the state. Some of those groups, I believe three or four, arrived at some minor changes in the language. For example, as I was saying, some people prefer the word, 'disabled' over the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

word, 'handicapped'. And that's what Amendment #7 does. However, there is one group they have not been able to have a chance to consult with because it's the Attorney General's Task Force on Special Education, and that Task Force meets next week. And so, they will continue to negotiate these terms, the language and the whole thing and, of course, because we know that this will have to be changed again when it gets to the Senate, it will be coming back here for a concurrence. And as I said before, when the two Gentlemen who are on this Advisory Council, because they are parents, were here, they made arrangements to meet with Michael Madigan and Lee Daniels and both of those kindly Gentlemen were good enough to say that they would support this legislation."

Speaker Kubik: "Representative Dart."

Dart: "Thank you. Just to clarify then, Representative, did...Speaker Daniels and Representative Madigan, they have agreed to this Amendment, did you say, or these...the two Gentlemen that talked with them?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "No, Sir, I did not say they supported this Amendment. When the two Gentlemen who are on the Council were here, they met with Representative Madigan and with Speaker Daniels, because they wanted to be sure that the two Leaders in our chamber were familiar, not only with what the purpose of the legislation is, but how they had arrived at it. They have held public hearings throughout the state for more than two years, but they are still trying to make sure that there is nobody out there who has any kind of objection to this. So there are a couple of last minute things that still need to be negotiated. So, and I believe, Representative Dart, that it was with the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

understanding that they were going to go above and beyond the call to make sure that there was no remaining objection that could possibly be handled...on that understanding, I believe it was, that Representative Madigan and Speaker Daniels agreed that they would be supportive."

Speaker Kubik: "Representative Dart."

Dart: "I have a letter from the Learning Disabilities Association. Apparently, they're opposed to this Amendment. Are they a group that is going to be consulted? Cause, Representative, I understand what you are doing and I applaud the fact, the way you're going about doing this. But would it not be better for us with all this negotiations going on for us to send this maybe out to the Senate in the form of a shell Bill. We've done that before. Send it out in some other form so that there's nobody sitting there arguing about a Bill that you have freely admitted here needs to be worked with in regards to how the Attorney General's Task Force is going to respond to it and so on. Would it be better to do it in that fashion, given the fact that there are these people that have these concerns, cause especially as I said, I mentioned the Learning Disabilities Association. They've sent a letter strongly opposing this and I was concerned as to why?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "I am uncertain as to just which groups it is that they are still negotiating with. I know that one of them is the Attorney General's Task Force. I believe there are a couple of others that still have some concerns about either the language or some provision of this Bill. They are working very, very hard to accommodate all that. As to your other suggestion, Representative Dart, this is not my

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Bill. This is the Bill of a couple of fathers of severely handicapped children, and I gave my word that I would try to send this Bill out of here with this Amendment adopted, because of the amount of time that they have put in to doing this, and because they gave their word to several of the groups they've been working with who came to agreement on Amendment #7, that they would try to see that it was adopted. So, although there may be merit in your idea, I am not ethically free to do what I please with this Bill. It, basically, is not mine."

Speaker Kubik: "Representative Dart, your time has expired. The Chair recognizes the Lady from Cook, Representative Davis. Representative Davis."

Davis, M.: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that she will yield."

Davis, M.: "Thank you, Mr. Speaker. Representative, you said you were...you promised someone or two parents that you would pass this, because those two parents had severely learning disabled children?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "No, that is not what I said."

Speaker Kubik: "Representative Davis, before you...Representative Leitch in the Chair."

Speaker Leitch: "Representative Leitch in the Chair. Representative Davis, proceed, please."

Davis, M.: "Well, I'm just going to share with the Body some of the concerns that the Learning Disabilities Association has. Now, Representative, if you want to hold this Bill until the Learning Disabilities Association's Pat Glatz G-l-a-t-z is the President, until she is happy with the Bill, then I think we could support it. Otherwise, we can't because it says it reduces the rights of children and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

their parents by eliminating the right to appeal a due process decision to the State of Illinois...to the Illinois State Board of Education. It eliminates the current two level system of due process and it replaces it with a one level system. It states that parents need to have the maximum ability to resolve differences with school districts through a two level due process system. This, by changing it, would be more expensive to the parent. It states that administrative law, law...administrative law judges normally don't know very much about special education, and this Amendment proposes that decisions be made by administrative law judges. Number four, they state parents don't wish to take these disputes with school districts to the court for resolution. They said this just increases the cost for the parents and the school district. A two level system gives them two chances to resolve the difference. The Bill also, Representative, reduces the amount of time that a parent has to decide whether to take final due process decision to court. It reduces it from 120 days to 45 days. And this reduces the rights of parents and it reduces the amount of time for parties to come to any agreement before going to court. And I understand with your Amendment, it's 60 days, rather than 120 days...instead of 45, it's 60, okay. So, my question to you, Representative, is can you just hold this Bill, until you've had an opportunity to meet with the Learning Disabilities Association of Illinois and reach some agreement with them?"

Speaker Leitch: " Representative Cowlshaw."

Cowlshaw: "The deadline for moving House Bills out of this chamber is Friday of this week. As I have explained before, the Illinois Advisory Council on the Education of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Handicapped Children, not just the two parents, whom I mentioned earlier, but the entire Advisory Council, has spent two years attempting to find a way to resolve the problem with these due process hearings with which apparently, right now, nobody is very happy. Yet, there still are some concerns including the group that you just mentioned. And in addition to that group, there are concerns of a task force of the Attorney General's Office, that specializes in reviewing anything that has to do with handicapped children or special education. So, there still are things that need to be resolved. We acknowledge that. The Advisory Council acknowledges that but there is simply not sufficient time to resolve all of that now. They have made a commitment to several state wide special education groups that have come to agreement on Floor Amendment #7, that they would adopt that here in the House. Try to move this Bill over to the Senate, go on with the negotiations. And if they can arrive at something, with which everybody is content, they will then Amend the Bill still again in the Senate, and it will come back here for concurrence. So it's not as though we will not have another chance to look at this Bill. We most certainly would. I would suggest that any group of people who serve as the people who are members of this Advisory Council, do. That is, who have spent two years holding public hearings all over this state, in an attempt to solve a problem with these hearings fo..."

Speaker Leitch: "Representative Cowlshaw."

Cowlshaw: "With these problems with special education placements. As I say, the present system, nobody seems to like. So maybe this is not in the final form right now, and certainly the people from the Advisory Council

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

acknowledge that, so do I. But it's their Bill, not mine. And I think we ought to give them the opportunity to continue their negotiations that keep their Bill alive. They do not have a companion Bill in the Senate. This is the only Bill they have."

Speaker Leitch: "Representative Davis, I'll give you another minute to bring your remarks to a close, please."

Davis, M.: "Mr. Chairman, I certainly appreciate that. Mr...I'm sorry, Speaker, I'll be brief. My major concern here is that we're reducing a parent's opportunity to have...what is it...two levels of administrative hearings. We're increasing the cost to that parent by making it a civil suit, is that cor.. going to...I mean, we're going into a court, where the judge may have absolutely no knowledge of learning disabilities or the hearing process. They would only have one level and the next level would be court. Currently, there are two levels and usually they can get it resolved before it goes to a third level. But this is reducing it, Representative. And even if they continue to negotiate, this Bill or your Amendment still request that they reduce a parent's opportunity, a parent with children, with..."

Speaker Leitch: "The Lady from Cook, Representative Shirley Jones."

Jones, S.: "Yes, Mr. Speaker, I would like to yield my time to Mrs. Monique Davis, please. Thank you."

Speaker Leitch: "Representative Davis."

Davis, M.: "Thank you. Thank you, very much. So, my question here, Representative Cowlshaw is, regardless to the negotiations, the intent of this legislation is to reduce the ability of parents for administrative hearings. You're making it one level, rather than the current two.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

You're also decreasing the time in which they have to make a decision. Currently, they can make it in 120 days. You're asking them to make the decision in 60 days. So, I... I mean, I just don't understand why a parent would want to reduce his or her rights to make decisions, very, very significant, important decisions about his or her children with learning disabilities. And the very fact that the Learning Disabilities Association is made up of people with children, who have these special problems, and they're opposed to this Amendment. They are opposed to this Amendment. We're talking about a group of people, whose children have these disabilities and that's why they're on this association. They are opposed to this legislation. They've written letters to most of us."

Speaker Leitch: "Representative Cowlshaw."

Cowlshaw: "They're opposed to it and so is the Attorney General's task force, at the moment. All these people are asking, is the opportunity to go on with these negotiations and resolve the problems that still remain. I would point out to you, that this Bill is by no means, intended to take anybody's rights away. It is certainly not intended to be anything other than helpful. The process as it is now, is so time consuming and so burdensome on both parents and the handicap children, the parents are trying to help, that this is the reason why this Advisory Council, this state wide Advisory Council, has tried to find some solution to that problem. I believe in fact, that if there not some merit to this, certainly Representative Madigan and Speaker Daniels would not have been willing to make a commitment that they would support this legislation. And help to see to it that it got it's opportunity to be duly negotiated."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Leitch: "Representative Davis."

Davis, M.: "If Speaker Ma... I mean, yes, Speaker Madigan is supporting this legislation, I wish he would come out and tell us. Because according to what we have here, he supports the rights of parents to have a two level system before they have to go to court. Many parents will find the cost prohibitive. If they have one hearing, they don't reach an agreement, the next step is court. Many parents will not have an opportunity. They can't afford court. They want their children who have special learning disabilities to be treated fairly, to be educated properly, and they want to be given every opportunity at due process. To change this and reduce their opportunity, I don't understand what the reason is. Why would we want to limit their ability to have a hearing? We're saying they can only have one hearing. The current law says they can have two. The next level, after your one, would put them into a court. I love my judges and I think they love us, but they really have very limited knowledge about special education or children with learning disabilities. But we'd be asking them, early on to make decisions for these children. And people who couldn't afford attorneys would...would really just be leaving the education up to their chil...of their children, sometimes at a level where it won't...wouldn't be best for the child. I urge you, Representative, to just leave that Bill here. Maybe at least until Friday. Maybe by Friday, it could be resolved. We have until Friday, to get Bills out of this House."

Speaker Leitch: " Representative Cowlshaw."

Davis, M.: "Otherwise, I... we can not support it."

Speaker Leitch: "Representative Cowlshaw."

Cowlshaw: "As I explained previously, Mr. Speaker, this can't be

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

resolved by Friday, because the Attorney General's task force does not meet until next week. And it is at that point, that the negotiations with that task force will be under taken and hopefully completed in one day. I gave my word to the Illinois Advisory Council on the handicap...the Education of Handicapped Children, that I would try to move this Bill along. The prior speaker has very little understanding of what is in this Bill to begin with, or let alone what's in the Amendment. Certainly, the Illinois Advisory Council would not be proposing this if it did anything that was going to be harmful to anybody. I think the people who serve on that task force and do so with no compensation, what so ever, who hav..."

Speaker Leitch: "The Lady's move for the adoption of Floor Amendment #7 to House Bill 2230. All those in favor shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #7 to House Bill 2230 is adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Leitch: "Third Reading. Mr. Clerk, read House Bill 2308. For what purpose does the Lady from Cook, Representative Davis rise?"

Davis, M.: "Excuse me, it has become a pattern, for people when they don't have anything to say, to attack one of the Representatives over here, personally by saying, 'You don't know what you're talking about or you're wrong'. And I think we should stick to what the Bill is about. We should stick to the issue of what the legislation says. And not how much you think somebody knows or doesn't know. Because those kind of insults don't go very far. They just show the lack of respect for one another that is

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

beginning to develop in this Body."

Speaker Leitch: "Point is..."

Davis, M.: "But I will not let it go unchallenged."

Speaker Leitch: "Point is well taken. Mr. Clerk."

Clerk McLennand: "House Bill #2308, the Bill's been read a second time, previously. No Committee Amendments, Floor Amendment #1, offered by Representative Mulligan, is approved for consideration."

Speaker Leitch: "Representative Mulligan, do you wish to proceed? Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Floor Amendment #1, deletes the first third of the Bill. From page 1 through the top of page 3. Just shortens the Bill. Takes one Section out."

Speaker Leitch: "Representative Mulligan's moved approval of Floor Amendment #1 to House Bill 2308 and on that is there any discussion? Gentleman from Cook, Representative Dart. For what purpose do you rise, Sir?"

Dart: "Questions and will the Sponsor yield?"

Speaker Leitch: "She indicates she will."

Dart: "Representative, this was a Bill as it was introduced that I had some serious problems with and in an effort to address that, could you tell me, without going into great detail, just like by subject heading what you've pulled out of this Bill and what's been left in?"

Speaker Leitch: "Representative Mulligan."

Mulligan: "What takes out...what it takes out is temporary placement without a finger print background check. It's my understanding that sometimes they do this anyway, but this was stating that, if you did it, it was subject to that background check. And sinc...a number of people had some reservations about how it was stated, we decided rather

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

than go into all the necessity of negotiating it out, we'd remove it temporarily, till another time. And address it at another time."

Speaker Leitch: "Representative Dart."

Dart: "That was, be honest, that was the major...the Section I had the major problem with. Was dealing with the finger printing and allowing placement of children while it was pending. Is all the infor...all the provisions dealing with the finger printing of chi...potential foster parents, adoptive parents and the... being allowed to be placed there in the end(?) room? That's all... is that out of there?"

Speaker Leitch: "Representative Mulligan."

Mulligan: "Yes, Representative, everything to do with that issue was taken out of the Bill. It just left the other two issues... are the only remaining parts of the Bill."

Speaker Leitch: "Representative Dart."

Dart: "Could you just briefly let me know, what those other two issues are? And if you have, I haven't been able to hear."

Speaker Leitch: "Representative Mulligan."

Mulligan: "Representative, the next one would make posting of the violations for a hotline abuse a...reporting a hot-line abuse. Consistent with the law. Right now, they changed the law but they did not make the posting of what the penalties would be if you gave a false report on a hotline. So all we're doing now is changing the posting to agree with the law. That's the...that would be one Section that's left. The other Section would Amend the Juvenile Court Act to provide that a proceeding may be instituted where parents are unfit, as defined by the adoption Act. That's all that's left now, in the Bill."

Speaker Leitch: "Repre...Representative Dart."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Dart: "Could you just briefly tell me what the unfitness portion dealt with. Th...that is still in there. Just briefly what is that saying?"

Speaker Leitch: "Representative Mulligan."

Mulligan: "Representative, I did, except that the definitions under the adoption Act, are like a page and a half and I'd be happy to go into it when we address the full Bill."

Speaker Leitch: "Representative Dart."

Dart: "So...just for final clarification, then. We have left in this Bill, the provisions dealing with the unfitness standards, whatever those may be. And the other provisions dealing with the criminal penalties, which can be enforced for false reporting of hotline calls?"

Speaker Leitch: "Representative Mulligan."

Mulligan: "That's correct, Representative Dart."

Speaker Leitch: "The Lady's moved for the adoption of Floor Amendment #1 to House Bill 2308. And on the Motion, all those in favor shall say 'aye'; all those opposed shall say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Floor Amendment #1 to House Bill 2308 is adopted. Mr. Clerk, are there any more Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Leitch: "Third Reading. Mr. Clerk, read House Bill 2317. Representative Bost? Is Representative Bost in the chamber? You wish to proceed, Sir? Mr. Clerk."

Clerk McLennand: "House Bill #2317 has been read a second time, previously. No Committee Amendments... no, Committee Amendment #3 was adopted. Floor Amendment #6, offered by Representative Bost, is approved for consideration."

Speaker Leitch: "Representative Bost on Amendment #6."

Bost: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #6 modifies the Bill. Basically changes the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

wording from 'sells, offers for sale or distributes or gives away nitrous oxide' to 'intentionally sells, offers for sale, distributes, or gives away nitrous oxide' for any purpose prohibited under Section 24.5-5. Basically, it's a...it's a change that will allow people that are in the legitimate business of selling nitrous oxide for the many uses, other than being intoxicated is allowed to occur."

Speaker Leitch: "The Gentleman from Cook, Representative Dart."

Dart: "Than... thank you, Mr. Speaker. Initially, can I Inquiry of the Clerk?"

Speaker Leitch: "Excuse me, Representative. Could we have some order in here, please? It's very, very difficult to hear. Representative Dart, proceed."

Dart: "Thank you, Inquiry of the Clerk as to what Amendments are presently on the Bill?"

Clerk McLennand: "Floor... Committee Amendment #3 has been adopted."

Speaker Leitch: "Representative Dart."

Dart: "Thank you. Representative, in regards to Amendment #6, my reading of Amendment #6, show that it makes reference to the Bill, if Amendment #1 was adopted? It appears as if there's a technical flaw in regards to that. I wish you'd tak...take an opportunity to look at it now, but I believe that Amendment #6 is out of order, because it references back to Amendment #1 which is not on the Bill."

Speaker Leitch: "Representative Bost, do you want the Bill out of the Record, Sir?"

Bost: "Can we strike it and bring it back later on today?"

Speaker Leitch: "You're recognized, Sir."

Bost: "I'll need to do some checking."

Speaker Leitch: "I can't hear you. Out of the Record? Mr."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Clerk, take the Bill out of the Record. Mr. Clerk, please read House Bill 2434. Representative Stephens? Is Representative Stephens... Mr. Clerk?"

Clerk McLennand: "House Bill #2434, a Bill for an Act concerning alcohol and controlled substances. Second Reading of this Bill. No Committee Amendments, Floor Amendment #1, offered by Representative Stephens, is approved for consideration."

Speaker Leitch: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. This is an administration Bill. And Amendment...Floor Amendment #1, all the changes proposed by this Amendment are purely technical in nature. None of which affect the substantive portions of the...provisions of the Bill. The first two pur...proposed changes are strictly due to typographical errors in chemical formulas. The third and final proposed change offers clarification of those drugs containing ephedrine, which must become Schedule 4 drugs, or those which will require a physician's prescription to legally obtain. And by providing that only those drugs that contain ephedrine as the only active medicinal ingredient or in combination with therapeutically insignificant quantities of other active medicinal ingredients. So, what this Bill does, is clean it up for the purposes that it was originally intended. Technical in nature. I move its adoption."

Speaker Leitch: "And on the Motion, the Gentleman from Cook, Representative Lang. For what purpose do you rise, Sir?"

Lang: "Thank you, will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Lang: "Repr... was it something I said? Rep... Representative, I know you've said this is technical and I've read the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Amendment, it surely looks technical to me, but could you nevertheless, explain the change, not necessarily the spelling change, I understand that, but what this definition is all about? Why we need to do this?"

Speaker Leitch: "Representative Stephens."

Stephens: "That... that thunder was a message, Representative. Now, did you want me to, just explain the changes?"

Speaker Leitch: "Representative Lang."

Lang: "Yeah, we'll have time on Third Reading for you to explain the Bill, Sir. I just would like you to explain what's in the Amendment."

Speaker Leitch: "Representative Stephens."

Stephens: "Okay. All that's in the Amendment is in the First Section, we change a chemical formula notation for the opiate three mental files...."

Speaker Leitch: "Excuse me, Representative Stephens. It's almost impossible to hear in here. If you give the Gentleman the courtesy of letting him explain his Amendment, please. Proceed, Representative."

Stephens: "In it's entirety, the Amendment changes one chemical formula by adding a parenthesis. Secondly, it changes another chemical name, where in the original language that chemical name was misspelled because an 'h' was added inappropriately. The third change, the original legislation called for drugs containing ephedrine, to become a Schedule 4 drug. That would make it a controlled substance and also require it to be dispensed by prescription only. In the process of analyzing the Bill, it was determined, that we... what we really wanted to do was for those drugs that contained... or those products that contained ephedrine only, and not in combination with other drugs, such as many of the over the counter products

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

that would have been prohibited for sale over the counter, had it passed in it's initial language. So, this is... again just a technical change. Ephedrine is a drug that we found that, when you can get it in a rather pure state, not in combination with other drugs, it can be used to create an abusable drug. It is not in itself, abusable, but it can be used in bulk to create an abusable drug. And that's why we want it to be on Schedule 4. This Amendment just clarifies all that original intent of the Bill."

Speaker Leitch: "Representative Lang."

Lang: "Well, with this addition of ephedrine, as a controlled substance that makes this Amendment more than just a technical Amendment, you are adding a drug, correct?"

Speaker Leitch: "Representative Stephens."

Stephens: "No, the drug was in the original Bill. The difference and the reason I'm calling it technical. In the original Bill, what we intended to do, was just deal with ephedrine. But the way we wrote it, it could have been interpreted, that a product contained ephedrine and some other drug. When in fact, those...that's the case, in my pharmacy, when ephedrine is in a tablet form with another drug, it can't be used in bulk to cre...in production of a third drug that is abusable. Because it can't be separated out readily. And so it is perfectly safe to take some of the...like the Primateen tablets which have ephedrine in them, but they also...it also has two or three other ingredients. That's still safe to use over the counter. What we want to eliminate from over the counter sale, is simply capsules or tablets that contain substantially nothing other than ephedrine. And our original language didn't draft it correctly. This drafts it so that there's no mistake that we only want ephedrine, pure ephedrine, or

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

substantially pure ephedrine sold as a Schedule 4 drug."

Speaker Leitch: "Representative Lang."

Lang: "Well, referring to that drug, Sir, can you give us an example of what that...of how this is sold over the counter all by itself, which is your concern? And...and what problems it creates? What...what does this do for someone if they take it? Why is it dangerous?"

Speaker Leitch: "Representative Stephens."

Stephens: "If your question was how is ephedrine used now that's something we want to stop? Then the answer is ephedrine is used to create a product called 'CAT'. And over the counter, it's a...it has the effect of become..."

Speaker Leitch: "Representative Stephens, proceed."

Stephens: "Ephedrine, if you can find it in a pure form, which is available now, in pharmacies, and you go in to buy some, you can buy bottle after bottle. And you take it, you mix it with another drug, and I can't tell you what that other drug is right now, but I'll be able to on Third Reading. And it's used to make a new drug known on the streets as 'CAT', which acts substantially as an opiate. And opiates are Schedule 2 drugs, as you know. So we want to restrict the sale of relatively pure ephedrine."

Speaker Leitch: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I think this will be my last question. Is there any use for this all by itself? Other than to mix with something to make it an opiate? Is there any good use for it?"

Speaker Leitch: "Representative Stephens."

Stephens: "Yes, there is. It's been used for years as..."

Speaker Leitch: "Representative Stephens, I'll give you one more minute and then we're going..."

Stephens: "For systems of head colds, drug stops drainage, an

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

antihistamine of sorts. The... so it does have legitimate uses. And it will still be available. But it will be available by prescription only and pharmacists will be required to keep special records under the Controlled Substances Act in the category of a Schedule 4 drug."

Speaker Leitch: "Representative Lang, are you finished, Sir? The Gentleman have moved for the adoption of Floor Amendment #1 to House Bill 2434. All those in favor shall say 'aye'; those opposed shall say 'nay'. In the opinion of the Chair the 'ayes' have it and the Motion is adopted. Mr. Clerk, are there any other Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Leitch: "Third Reading. Mr. Clerk, please call House Bill 2463. Representative Zickus? Is Representative Zickus in the chamber? Do you wish to proceed, Representative? Mr. Clerk, please read House Bill 2463."

Clerk McLennand: "House Bill #2463 has been read a Second time, previously. Committee Amendment #1 was adopted. Floor Amendment #2 offered by Representative Zickus, is approved for consideration."

Speaker Leitch: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker. Amendment #2 removes the contradictory language between federal and state gaming license requirement for liquor licensees. It requires certain manufacturers and distributors to furnish registration statements to liquor wholesalers. And eliminates the requirement for dual signatory approval on retail liquor license applications. It also revises the liquor license application process for corporate or other entities to provide that only one person needs to sign the application. Under current law, two members or officers must sign."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Leitch: "The Gentle from Bureau, for what purpose do you rise, Sir? Representative Mautino?"

Mautino: "Will the Sponsor yield?"

Speaker Leitch: "She indicates she will."

Mautino: "Thank you. Representative, the Bill... is this the language proposed by the Liquor Control Commission?"

Speaker Leitch: "Representative Zickus."

Zickus: "Yes, it is, and I know of no opposition to it."

Speaker Leitch: "Representative Mautino."

Mautino: "Do the... are the... is the Retail Liquor Association in favor of the Bill?"

Speaker Leitch: "Representative Zickus."

Zickus: "They have not made a position known to me on the Amendment. I know of no opposition at this time. As far as I'm concerned, everyone's in agreement."

Speaker Leitch: "Representative Mautino."

Mautino: "On this Bill, does this then put the Illinois Liquor Control Act... will it then be in conformity with the federal laws? I understand that the Liquor Control Commission has a... has had a problem with, for example, the clubs and the non-for-profits, which currently possess Federal Wagering Stamps. Under our existing Illinois Liquor Code, they cannot hold a Liquor...an Illinois State Liquor License."

Speaker Leitch: "Representative Zickus."

Zickus: "Yes, you're correct."

Speaker Leitch: "Representative Mautino."

Mautino: "Was this brought up because...now I know that this has not been enforced but there's a concern that the...that they may have to start enforcing this on some of the VFW's and Elk's Clubs and those that currently possess a Federal Wagering Stamp?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Leitch: "Representative Zickus."

Zickus: "Yes, my understanding, too. The language is contradictory and that presented a problem. And this removes that contradictory language."

Speaker Leitch: "Representative Mautino."

Mautino: "I understand the...first of all, I do understand and agree with your Bill. I also understand the...some of the concerns raised by the tavern owners, is that they are currently at a competitive disadvantage with the clubs, when we originally authorized clubs and non-profits to sell tip boards, the taverns had also tried to be set on equal footing. The...I would hope that we would move towards creating a level playing field for the taverns and restaurants that would like to take part in this, down the road. I understand your Amendments and support it, but I hope you would look towards possibly leveling a playing field. Because right now, the alcohol establishments which sell by the drink are concerned about the disadvantage."

Speaker Leitch: "Representative Zickus."

Zickus: "Ye...my understanding the...Raffles Act and the Pull Tabs and Jar Games Act, are for 'bonafide religious, charitable, labor, business, fraternal, education, or veterans organizations' and they would be eligible if they operated without profit to their members and have been in existence for five years, prior to application. So, it's not just any club, it's charitable, not-for-profit."

Speaker Leitch: "Representative Mautino."

Mautino: "The...as far as the, the way the current law stands, the clubs and fraternal organizations, the Elks, VFW, Moose Lodges, they're all eligible for the Federal Wagering Stamp and also in the State of Illinois can receive those

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

speciality licenses. Taverns would also like to sometime in the future, I know it's not addressed in your Bill, be able to apply for those same licenses. Pay the fees and the taxes which go along with them and put themselves on a level field. I do support the language. I understand the inconsistency between the state and federal and I intend to support and vote for the Bill. Or for this Amendment, rather. But I would hope down the road, we'd look at creating some equity."

Speaker Leitch: "The Gentleman from Clinton, Representative Granberg. For what purpose do you rise, Sir?"

Granberg: "Thank you, will the Lady yield?"

Speaker Leitch: "She indicates she will."

Granberg: "Representative Zickus, you indicated that this would apply to other groups beside... besides not-for-profit or just for not-for-profit corporations alone?"

Speaker Leitch: "Representative Zickus."

Zickus: "We... that's what this Amendment addresses. It... to take care of the contradictory language in the law."

Speaker Leitch: "Representative Granberg."

Granberg: "So, it would, Representative, it would apply to fraternal organizations? Would they have to be not-for-profit?"

Speaker Leitch: "Representative Zickus."

Zickus: "According to the information that I have, it said that they...organizations eligible...if they operate without profit to their members and have been in existent for... existence for five years prior to application for a lif...license to hold a raffle or a license to hold a game."

Speaker Leitch: "Representative Granberg."

Granberg: "I think that's the question, Representative. So this

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

would apply to all those fraternal organizations, the Elks and others, because to my knowledge, they are all not-for-profit? So do you know of any... anyone else who'd be impacted by this, that is a fraternal organization?"

Speaker Leitch: "Representative Zickus."

Zickus: "No, the language I have for the Raffles Act, says 'bonafide religious, charitable, labor, business, fraternal, educational or veteran's organizations'. For a Pull Ta... Tabs and Jar Games Act, 'bonafide religious, charitable, labor, fraternal, youth athletic, senior citizen, educational, and veteran's organizations'."

Speaker Leitch: "Representative Granberg."

Granberg: "Are these groups currently operating without or not under the guidance of the law?"

Speaker Leitch: "Representative Zickus."

Zickus: "Okay. What this is trying to do, is close a loop hole because of the... the present law bans holders of Federal Wagering Stamps from receiving liquor licenses. And this would allow them to do so, if they comply with this description."

Speaker Leitch: "Representative Granberg."

Granberg: "But apparently, Representative, there are a number of clubs that are operating currently without that legal authority. Is that correct? Is that why we're trying to address this issue?"

Speaker Leitch: "Representative Zickus."

Zickus: "Well... there might be, of that I'm not sure of. This was what language that was suggested by the Liquor Commission."

Speaker Leitch: "Representative Granberg."

Granberg: "You indicated that this was trying to close this loop hole. I would think that the loop hole has allowed these

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

clubs to operate; I'm not sure if the Liquor Control Commission has the authority or ha... our question might be, whether they have exercised the authority to enforce the law. Is that... is that their intension, Representative? So they have the authority to enforce the law or they just currently not doing it as a matter of policy because these clubs have been in existence for five years or longer?"

Speaker Leitch: "Representative Zickus."

Zickus: "The purpose of the law, presently, would forbid these organizations to have liquor licenses. And like I said, this removes that contradictory language from the law."

Speaker Leitch: "Representative Granberg."

Granberg: "So I think, Representative, there must be numerous clubs of this type who are currently in violation of the law. Is that what the Liquor Control Commission has indicated to you?"

Speaker Leitch: "Representative Zickus."

Zickus: "Now, I know nothing about that. They have not indicated that to me."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, if we're trying to deal with this inequity because we're making it legal then for someone to have the Federal Stamp and having liquor license. That would indicate to me that there is a problem out there, that people are currently operating with a liquor license and with a Federal Stamp. Is that correct?"

Speaker Leitch: "Representative Zickus."

Zickus: "That I can't answer, Representative. All I know is that we're trying to remove contradictory language from the law."

Speaker Leitch: "Representative Granberg."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Granberg: "Now, I've been informed, Representative, the Retail Liquor Association is opposed to this Amendment. Do you know anything about this?"

Speaker Leitch: "Representative Zickus."

Zickus: "They have not... I have not heard of any opposition. This is the first that I've heard of their opposition to... from what I understand, there was no opposition to this Amendment."

Speaker Leitch: "Okay, one more minute. Please bring your questions to a close, Sir."

Granberg: "Thank you, Mr. Speaker. Unfortunately, Representative, I have just been informed that the Retail Liquor Association is in opposition to your Amendment. And that was why we were addressing this concern earlier, because we thought they might be. Representative Mautino indicated...I'm sorry, Mr. Speaker, I just used his name in debate. So maybe Representative Mautino, could bring...raise that issue. Because he's just been informed by that association, that they are actually opposed to your Amendment. I'm not quite sure of the rationale, Representative, but I know, with your good faith, you understood that there was no opposition. But apparently there is. And apparently that opposition was not noted in committee. So we're trying to find out the basis for that opposition and what the rationale is. So, I appreciate your time."

Speaker Leitch: "Representative Zickus."

Zickus: "With the original Bill, there is some things that had to be ironed out."

Speaker Leitch: "Representative Zickus, proceed, please."

Zickus: "And of those to my understanding were taken care of with this Amendment. So I know of no opposition."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Leitch: "Representative Mautino, your name was used in debate. Do you wish to comment, Sir?"

Mautino: "Thank you, Mr. Speaker. Yes, I do. I was just informed that the Retail Liquor Dealers Association, is in opposition for some of the reasons that I had mentioned, as we were discussing. When I said they had some concerns, they revolved around the...First of all, the first point is that the Liquor Control Commission was not doing their job and not enforcing it. They were asking that some of the...that some of the clubs...You know, if you're going to be a club or you know, should possibly look at serving members, they're operating in direct competition. So, and that was a concern that they still have, that has not been allayed, yet. And the second, is just creating a level playing field. They would like the... to opportunity to talk with you and also to be let into the Act and let them compete on the level playing field. Which actually was intended, when we first allowed it for fraternal organizations. Down the line, they were going to be able to purchase a license and have a seat at the table."

Speaker Leitch: "Representative Zickus."

Zickus: "Representative, I wish they would have come to me before hand, because this Bill has been on the Calendar for a long time. But I'll be very happy to work with you to address those concerns. We're moving the Amendment, right now. You know... this is the Amendment to the Bill, and I wish they would have come to me... you know, before this. But I'd be happy to work with you on this."

Speaker Leitch: "The Lady's moved for the adoption of Floor Amendment #2 to House Bill 2463. All those in favor shall say 'aye'; those opposed shall say 'nay'. In the opinion of the Chair, the 'ayes' have it and House Bill... or Floor

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Amendment #2 to House Bill 2463 has been adopted. Are there any further Amendments?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Saviano, has been approved for consideration."

Speaker Leitch: "Representative Saviano."

Saviano: "Mr. Speaker, after consulting with the Illinois Liquor Commission and the Beer Distributors, I think we will be able to work it out with the Am... without the Amendment. I withdraw this Amendment."

Speaker Leitch: "The Gentleman withdraws Floor Amendment #3. Mr. Clerk, are there any other Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Leitch: "Third Reading. Through the generosity of our Speaker, pizza will be arriving around 6:15. So members may wish to mark their clocks, their calendars and every other... and their computer notebooks. 6:15, for pizza. Mr. Clerk, what is the status of House Bill 1023?"

Clerk McLennand: "House Bill 1023 has been read a second time, previously. Committee Amendments #1, 2, 4, and 5 have been adopted. Floor Amendment #6 has been adopted."

Speaker Leitch: "Representative Cross."

Cross: "Thank you, Mr. Speaker. I move to table Amendment #6."

Speaker Leitch: "The Gentleman's moved to table Amendment #6. All those in favor shall say 'aye'; opposed the same, Amendment #6 is tabled. Anything further, Representative? Representative Cross."

Cross: "Yes, Mr. Speaker. I'd just like to move that to Third Reading. Move that Bill."

Speaker Leitch: "Mr. Clerk, what is the status of House Bill 1023?"

Clerk McLennand: "A fiscal note had been requested on the Bill as Amended, by Amendment #6. Amendment #6 has been tabled."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

The fiscal note does not apply."

Speaker Leitch: "Third Reading. Mr Clerk, what is the status of House Bill 1787. Representative Kubik? Is Representative Kubik in the chamber?"

Clerk McLennand: "House Bill #1787 is on the Order of Second Reading. It's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Kubik is approved for consideration."

Speaker Leitch: "Representative Kubik? Does the Gentleman wish to proceed? Proceed."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let me get my notes, here. Yes, Mr. Speaker, what Floor Amendment #2 would do is to remove a provision that was... was going to shift the collection of the 5% tax, on pull tabs and jar games from licensees to suppliers. We decided to remove that provision from the Bill, so that there would be no misunderstanding as to whether we might be creating a new tax or... or shifting a tax. So, this takes a change that was in the Bill, that might create some potential problems out and it would have make it a... an agreed Bill. So I would move the adoption of Amendment... Floor Amendment #2 to 1787."

Speaker Leitch: "The Gentleman has moved the adoption of Floor Amendment #2 to House Bill 1787. And on that question, is there any discussion? The Gentleman from Cook, Representative Dart. For what purpose do you rise, Sir?"

Dart: "Will the Sponsor yield for some questions?"

Speaker Leitch: "He indicates he will."

Dart: "Representative, is... the provisions dealing with the department, establishing rules regarding the quality production standards for pull tabs and jar games? Is that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

being kept in or is that being taken out?"

Speaker Leitch: "Representative Kubik."

Kubik: "Representative Dart, in this Amendment, I do not believe that is being addressed at all. In this Amendment. Yeah, I do not believe that issue is being addressed in this Amendment."

Speaker Leitch: "Representative Dart."

Dart: "I was...I was trying to get a handle on what we were taking out on this one, with this Amendment. Are we taking out the...the provisions that deal with the Department of Revenue licensing suppliers and manufacturers of pull tabs and ja...jar games? Is that being kept in or out?"

Speaker Leitch: "Representative Kubik."

Kubik: "Right now, Representative, there apparently is a 5% tax on pull tabs and jar game tickets. That is paid... those taxes are paid for by the licensees. What the Amendment... I'm sorry. The original Bill was going to shift the collection of that tax and the tax to the suppliers of the pull jar... tab and pull tab and jar games. What we're doing is, we're leaving it at current law. We're not by... by Amending the Bill, we leave it where the law is at the present time. Somebody had proposed that we change it, but rather than have any misunderstanding, the Amendment would reverse it back to current law."

Speaker Leitch: "Representative Dart."

Dart: "In the provisions that dealt with the pull tabs and jar games, it had provisions that dealt with the Department of Revenue licensing suppliers. And provisions with them also sa... setting quality production standards and the like. Those... I agreed with those provisions, I'm curious if... if those are coming out as well, or if those

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

are staying in? And if they are coming out, if there's a reason why? I mean, if that was just all part of the same package?"

Speaker Leitch: "Representative Kubik."

Kubik: "My understanding is we are not taking those provisions out at all. We are just taking out the collec...the language which would have shifted the collection from licensees to suppliers."

Speaker Leitch: "Representative Dart."

Dart: "If I could just ask a couple more questions in regards to this, because my...I was just reading this quickly and it looked...I understand from the committee, when we were going through the Amendment in committee, that the thrust of what you're talking about was just dealing with the shifting and who was going to be paying. But when I was looking at the quickly... at the Amendment here, it had numerous other provisions dealing with pull tabs and jar games that I... one of the analysis, I'm looking at, says is removing all these other ones as well. And I'm just trying to figure out if they were all removed or if it's just that one aspect dealing with it?"

Speaker Leitch: "Representative Kubik."

Kubik: "Representative Dart, my understanding is that the language that you're talking about is language, although it's very extensive, that deals with the collection process. And in the original Bill, since we were shifting the collection process, there was additional language added. Because we're not shifting that process, that language was taken out."

Speaker Leitch: "Representative Dart."

Dart: "Okay, Representative, that may explain things then. So then, if we're shifting it back, then all these other

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

requirements that were laid out, are no longer necessary? Is that what it is? And so that they aren't necessary to be required in the Bill anymore?"

Speaker Leitch: "Representative Kubik."

Kubik: "Again, my understanding is that by doing what we're doing, we're just going straight back to where we were at current law. So, we're not changing any of the...the standards or anything of that nature, but there may have been some additional things added when we decided to shift it. But my understanding is that we're not changing those standards. We're just changing who collects the money."

Speaker Leitch: "Representative Dart."

Dart: "I'll talk with you, maybe after this, just to firm it up, but just I...That was my only concern was the fact that there was other things listed as being removed by way of this Amendment. But my thinking is maybe that was just done as a result of the Bill and what it required once you shifted things."

Speaker Leitch: "The Gentleman's moved for the adoption of Floor Amendment #2 to House Bill 1787. All those in favor shall say 'aye'; all those opposed shall say 'nay'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 to House Bill 1787 is adopted. Mr. Clerk, are there any other Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Leitch: "Any other Motions or anything?"

Clerk McLennand: "Fiscal note has been requested on the Bill and has been filed."

Speaker Leitch: "Third Reading. Representative Kubik? Representative Kubik? Representative Kubik? Mr. Clerk, please read House Bill 1893. Representative Kubik on House Bill 1893."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Clerk McLennand: "House Bill #1893. Bill for an Act that Amends the Uniform Penalty and Interest Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions. Floor Amendment #2, offered by Representative Kubik is approved for consideration."

Speaker Leitch: "Representative Kubik, on Floor Amendment #2. Do you wish to proceed, Sir?"

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 is an Amendment which essentially becomes the Bill. It is... it is the agreement between the Illinois Retail Merchants Association and the Department of Revenue. On the issue of uniform and penalty and interest. And this represents a negotiation that has been going on for over a year on this issue. And we discussed this rather extensively in committee. What I'd like to do is to yield to some questions if Representative Dart has some questions because I...I think it's a rather technical Amendment. So, I would move adoption and be happy to respond to any questions."

Speaker Leitch: "The Gentleman from Cook, Representative Dart. For what purpose do you rise, Sir?"

Dart: "Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Dart: "Thank you. Thanks, Representative. Just initially, I don't have the Amendment right here, yet. Is...the underlying Bill in Amendment #1 are Amended out of this. Amendment 2, does that become the whole Bill?"

Speaker Leitch: "Representative Kubik."

Kubik: "Yeah, it becomes the Bill, Representative."

Speaker Leitch: "Representative Dart."

Dart: "And...is the substance of the original Bill in Amendment 1... Amendment #1 are they contained in Amendment 2?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Leitch: "Representative Kubik."

Kubik: "A...no, Representative Dart, no."

Speaker Leitch: "Representative Dart."

Dart: "Representative, can you give me just a quick overview of the changes in the Income Tax Act, that those provisions that were done?"

Speaker Leitch: "Representative Kubik."

Kubik: "As you know, Representative Dart, there are a number of different Acts here, so we'll get the income tax portion...Okay, Representative, the portion that deals with income tax, would delete preliminary notice requirements regarding the issuance to taxpayers who fail to file withholding returns for annual transmittal forms for wage and tax statement. It would also reduce the time period from 6 months to 30 days, for a non-processable return, attributed to an unsigned return. This time period will track the time requirement of a non-processable return. What that basically means is, that they will be able to turn these returns over more rapidly to get them back to the taxpayer, so they can resign them, so that they're official returns."

Speaker Leitch: "Representative Dart."

Dart: "Why are we deleting the Section dealing with the preliminary notice requirement being issued and deficiency notices?"

Speaker Leitch: "Representative Kubik."

Kubik: "According to my information, Representative, this change will allow us to issue non-filer penalty notices in such situations systematically as opposed to the current situation, where we are required to go through a long and involved preliminary notice procedure. The practical effect of which, is to preclude us from penalizing

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

non-filers in these situations."

Speaker Leitch: "Representative Dart."

Dart: "In the Retailer Occupation Tax Act provisions, what is the reasoning behind deleting the...the third option available for calculating the accelerated payment of sales tax?"

Speaker Leitch: "Representative Kubik."

Kubik: "As of a result of third calculation option, the only way in which the department can determine whether a taxpayer has properly determined the amount of accelerated payments is through an audit. This third option was originally inserted in the ROT, as an accommodation to boat dealers, who had very seasonal receipts. However, as most, if not all, boat dealers of a large...size large enough to make accelerated payments, are now required to file their taxes on a transaction by transaction basis. The original rationale for the third option, no longer exists. Therefore, in the interest of fair enforcement and an efficient administration, we proposed deletion of this third option."

Speaker Leitch: "Representative Dart."

Dart: "Thank you. Representative, in regards to the Uniform Penalty and Interest Act, what are the changes we're making in that area?"

Speaker Leitch: "Representative Kubik."

Kubik: "One of them expands the time period from 21 to 30 days. A taxpayer may satisfy a notice for tax obligation, before interest is assessed against the taxpayer. Another provision would provide that a penalty shall be assessed on 2% of the tax due, or \$250, which ever is less, for failure to file on or before the due date of the tax..."

Speaker Leitch: "Proceed, Representative."

Kubik: "It would allow the penalty to increase to an additional

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

2% or \$250, which ever is greater, if the tax due is not paid within 30 days of notice by the department. It would restrict the total amount of the penalty to \$5000 and it is applicable to January 1, 1996, or there after."

Speaker Leitch: "Representative Kubik."

Kubik: "And one final provision to answer Representative Dart's question. It would authorize the Department of Revenue to conduct a study of the effectiveness and level of compliance of the changes imposed by this legislation. This study will incorporate the input of taxpayers and include recommendations. And conclusions regarding the effectiveness of this Act. This study must be prepared and submitted to the General Assembly, no later than 4 years after the effective date of the Act. And that... those are the provisions dealing with that portion of the Bill."

Speaker Leitch: "You need anymore information than that, Representative? Well, we'll give you a minute to conclude, please."

Dart: "Thank you, Representative, just...finally, I think through the questions I asked, I think we touched on all the different specific areas that are being changed. Were there any other ones, other than the ones that I touched on? And if so, if you can just briefly in about 10 seconds, just give me what area that was? But I think I've hit on all the different areas that we are changing with this."

Speaker Leitch: "Representative Kubik."

Kubik: "Representative, the other area that is touched on by this legislation, would permit a tax return that is filed more often than annually. To have it's penalty abated, if the reason for failing to file, is found to be non-fraudulent. And the failure to file had not occurred in the two years

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

immediately preceding the failure to file deadline. The final provision, deletes an option offered for the calculation of the proper amount of accelerated payments..."

Speaker Leitch: "Proceed, Sir."

Kubik: "Under the Retail Occupation Tax, the current language does not allow the department the ability to determine whether the correct amount of accelerated payments are being paid. And it would finally permit the department to issue non-protestable, mathematical error notices to tax payers."

Speaker Leitch: "The Gentleman's move for the adoption of Floor Amendment #2 to House Bill 1893. All those in favor shall say 'aye'; opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it, and Floor Amendment #2 to House Bill 1893, has been adopted. Mr. Clerk, are there any other Amendments?"

Clerk Rossi: "No further Floor Amendments."

Speaker Leitch: "Third Reading. We'll now proceed to the order of House Bills' Third Reading. Wrong Button. Mr. Clerk, please read House Bill 90. Representative Johnson, on House Bill 90."

Clerk Rossi: "House Bill 90, a Bill for an Act Amending the Airport Authority Act. Third Reading of this House Bill."

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "Yes, Mr. Speaker, Ladies and Member...Gentlemen of the House. This Bill would amend the Airport Authorities Act which applies the DuPage County Airport only to provide that the commissioners of the... the Metropolitan Airport Authority shall not be compensated in the future for their services. It would further require that the budget and tax levy of the DuPage County Airport or Metropolitan Airport

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Authority be approved by the County Board before the tax levy may be certified to the county clerk and I would ask your favorable consideration for this Bill."

Speaker Leitch: "The Gentleman's moved for the adoption of House Bill 90, and on that the Gentleman from Clinton, Representative Granberg. For what purpose do you rise, Sir?"

Granberg: "Thank you. First of all, an inquiry of the Clerk. Are there any Motions filed for this Bill?"

Speaker Leitch: "Mr. Clerk, are there any Motions filed on this Bill?"

Clerk McLennand: "A Motion was filed to table Amendment #1 on March 24, by Representative Currie."

Speaker Leitch: "The Gentleman from Clinton, Representative Granberg, for what purpose do you rise, Sir?"

Granberg: "Thank you, Mr. Speaker I believe I have a Motion filed with the Clerk."

Speaker Leitch: "Yes, you do. Do you wish to move to return the Bill to Second Reading, Sir?"

Granberg: "Yes, Sir, Mr. Speaker. I would like to take the Bill back to Second, which is the subject of the vote... subject of the Motion and that way to table Amendments #1, and I would like a roll call on that, and Mr. Speaker, the reason for that Sir is that this would take away the pay raises for the DuPage County Airport Authority. If... if my friends on that side of the aisle thought it was good enough for Chicago, let's do it for DuPage County. Let's take away the pay for DuPage County. If not... if not, if you vote not to do that, then you are hypocrites, you know it was a political agenda and you know that you want the DuPage people to receive salaries and receive increases and the only reason you voted on that... on Chicago's... purely

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

for a political reason and so let's see what you're going to do. Let's see how you're going to vote, because we do want a Roll Call on this Mr. Speaker. We heard a lot of comments, a lot of rhetoric against those pay raises. Well, here's your opportunity to do it right in your own backyard and not some place else."

Speaker Leitch: "The Gentleman's moved to return House Bill 90 to Second Reading. All those in favor, shall vote 'aye'; all those opposed, shall vote 'nay'. Roll Call. The Motion is to... return House Bill 90 to Second Reading. And on that question, Mr. Clerk, take the Roll. And on that question there are 49 voting 'yes', 61 voting 'no', and 1 voting 'present'. And the Motion is defeated. Representative Johnson. Proceed, Sir."

Johnson, Tom: "Yes... I have already explained this Bill if everybody would like to have it explained one more time. I believe there is an Amendment #1, is that correct? There is an Amendment #1 on this Bill, Mr. Clerk?"

Speaker Leitch: "Mr. Clerk. What is the status of this Bill?"

Clerk McLennand: "The Bill is on the Order of Third Reading."

Speaker Leitch: "And, are there any Amendments on the Bill presently, Sir?"

Clerk McLennand: "Committee Amendment #1."

Speaker Leitch: "Mr. Johnson, proceed, Sir."

Johnson, Tom: "Yes, I have already explained this Bill once, I know most of you were probably out getting food where I would like to be about now. I'll explain it one more time. This Bill 'as Amended' amends the Airport Authorities Act, which applies DuPage County as the only airport in this Act. It provides that the Commissioners of the Metropolitan Airport Authority shall not be compensated for their services in the future. Any future appointees shall

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

not be entitled to compensation. That is critical that all of you know that. Currently, the Commissioners of the DuPage County Airport received \$10,000 per year stipends. As these Members serve out their term and are no longer on the Airport Authority, no future stipends will be awarded to any new Members. This also requires the Airport Authority to submit it's annual tax levy and budget before the county board for approval. That is all this Bill does. I ask for your 'aye' votes on it and would be happy to answer any questions."

Speaker Leitch: "The Gentleman from Cook, Representative Lang. What purpose do you rise, Sir?"

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have no questions on this Bill, but I've got a lot to say to the Bill. Ladies and Gentlemen, there should be no votes in favor of House Bill 90. This is not a good Bill. Firstly, there are many reasons. Firstly, we just passed out of this House at the great haste a Bill that took away pay raises from a current board that passed them in the City of Chicago. In...in the effort by the Majority Party to embarrass the Members of the City Council and the Mayor of the City of Chicago in their peak over the Airport, they...they took away the raises that a sovereign body of this state, a home rule body passed. In this case, we're going to say to the commissioners on the DuPage County Airport Board, well we're not going to take anything away from you I guess because you're from DuPage, I guess because it's a entirely Republican Board now, it wasn't, there used to be one Democrat, they took him off the board. And now, we're going to say that you get to keep your money. We're not interested in government that is consistent, we're not interested in government that makes

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

sense. We're only interested in hurting the people we don't like and helping the people we do like. Now let me remind all of you and Freshmen listen up, especially Republican Freshmen who are flopping all over the place on that...Motion to move this back to Second Reading. Let me remind you that the DuPage County Airport Authority and that airport has been under federal investigation for about five years for some audits that some people think are phony, I don't know if they are or not. But, it's a board under investigation. Now, who do you think runs that board besides the commissioners? Who should...who's under investigation, but let's allow them to have their salary. Let's continue to say, you're under investigation...maybe we're...maybe we're going to pay them because of the investigation. When the federal government investigates those commissioners, perhaps we ought to say well because it's so heinous for the government to be investigating you that you're entitled to keep your raise. But, a sovereign body in the City of Chicago that voted for a raise legally, the Mayor of the City of Chicago that was given a raise legally whether you think it was a right raise or not, well we're going to take that raise away from you. We're only going to allow the people we like, the people in DuPage County particularly so that Mr. Phillip and Mr. Daniels can take care of their friends in DuPage County. We're only going to let them keep their raises. We're going to let them keep their raises. Ladies and Gentlemen the original Bill without the Amendment would of gone retroactively for that money as well. Nice to see you. They...those raises would have been taken away. Those salaries would have been taken away. Now, I'm not standing on the issues of whether they should or should not have the raises. Whether they

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

should or should not be compensated. But, we're talking about consistency in government here, and Ladies and Gentlemen even those who vote for these things must realize that the Majority Party is inconsistent. On some issues they want local control and some issues, well we're not for local control. We know better. On some issues they think that the...the court systems in Illinois work just fine, but whoa, not on torts. On torts we know better. On some issues we think a body should be elected but nope, not for the University of Illinois Trustees, we want our people in there so we're going to appoint them. For the City of Chicago, well we're ticked off... ticked off that they gave themselves a pay raise, so we're going to get a headline. We're going to not only say when they should give themselves a pay raise, which is what we ought to do, but we're going to tell them when they can and when they can't give themselves a pay raise that they've already passed legally, and now we're going to say that a board that has been previously appointed that has a salary. We're going to take away only the salary from new members...from new members, members who are not under investigation. We're only going all out of the members of that authority who are under investigation to continue to receive their salary, but no one else... no one else and so we're not interested in consistency in government around here, we're only interested in who we can help and who we can punish. Well, we know who the Majority Party is interested in helping, it's clear targets, be careful. And we know who the Majority Party wants to punish, and targets ought to be careful about that as well. If we should stand for anything in this Body, one of the things we should stand for is a government that has a certain amount of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

consistency. A government that says we're not one thing for one part of the state, and another thing for another part of the state, and if there's anything that makes our constituents cynical of what we do here, it's this kind of Bill. This is terrible legislation, vote 'no'."

Speaker Leitch: "The Gentleman from Cook, Representative Harold Murphy. Representative Murphy, for what purpose do you rise, Sir?"

Murphy, H: "Yes, I raise to yield my time to Representative Granberg."

Speaker Leitch: "Representative Granberg, proceed Sir."

Granberg: "Thank you. Will the Gentleman yield?"

Speaker Leitch: "He indicates he will."

Granberg: "Representative Johnson, I just have one question. If this Bill is Amended in the Senate, to change the nature of the authority to include Peotone, or to take control away from O'Hare. Will you call the Bill on concurrence if it comes back to the House?"

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "You're asking me a hypothetical of whether airports are now going to be included in this Metropolitan Airport Authority it's my understanding that's not even under consideration. Obviously, it does not apply to this legislation. This legislation does away with \$90,000 a year of stipends currently being paid. This is not a pay raise."

Speaker Leitch: "Representative Granberg."

Granberg: "Representative Johnson, now you have now been around this process here in your second term... third term. Do you know what could happen with this Bill in the Senate? How it will be Amended to appoint a new Airport Authority? If it doesn't, I just want your commitments that you would

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

not call this Bill if it creates any authority that would be with the building of a new airport in Peotone."

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "Let me tell you, the last thing I want is the DuPage Airport Authority to be merged with any other Airport Authorities."

Speaker Leitch: "Representative Granberg."

Granberg: "Representative, will you give us the commitment in this Body that if this Bill is Amended in the Senate to create a third airport in Peotone which would be disastrous for downstate, you will not call this Bill for concurrence?"

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "That's not going to happen. I'm not going to make any commitments. All I know is I'm trying to get this Bill passed after three years of finally trying to bring accountability to this airport that basically is now going to require this board to get elected people's approval of it's tax and levy and do away with \$90,000 a year of stipends, and if you guys could do that with the Chicago Airport Authority, maybe they wouldn't of had to go to Gary."

Speaker Leitch: "Representative Granberg."

Granberg: "Representative Johnson, that is why you won't make a commitment because you know what could happen to this Bill in the Senate. You know it could be Amended and you know as well as I do, Sir that this Bill can be made the...the vehicle Bill to create a new airport in Peotone. To the Bill, Mr. Speaker. Without Representative Johnson's commitment, I cannot vote for this Bill, because we know in this Body, and pay attention Representative Bost, Representative Jones and others, because you know what can

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

happen. You will find out what's going to happen if you vote for this Bill the way it is. You vote for this Bill not thinking anything can happen with it. It will be Amended into the Senate, Amended in the Senate to allow a third airport in Peotone. The same airport that's estimated to cost \$1.7 billion. That is exactly the same amount as the Airport in Denver, \$1.7 billion. That turned out to be \$5 billion. What's going to happen in Illinois? That could be \$5 billion. According to the Wall Street Journal and others, the airport in Denver did not succeed because its distance away from downtown Denver. Peotone is even further away. Ladies and Gentlemen, particularly the down staters, please understand if this Bill comes back for Peotone, you are going to devastate the road fund. The road fund that is so important to central and downstate Illinois will be robbed. The cost estimates alone in the first two years of Peotone would take away all the money from the road fund. What's going to happen to your downstate projects, with this Bill becomes the vehicle to create that third airport? Your constituents are going to know. They're going to know if you paid homish to DuPage and your Republican Leadership instead of watching out for your own downstate constituencies. Ladies and Gentlemen, this should not be a partisan issue. We should not be placed to bat downstate versus the collar counties, but that's the position this governor and the Leadership has put... have put us into. It's unfortunate but reality. If you as down staters, any of us, vote for this Bill you are the one's who are going to have blood on your hands on our downstate road projects. Our road fund will be decimated for all the state. Where do you think that moneys going to come from? It's going to come from downstate Illinois.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

That's what's going to happen. You have to go back Representative Bost, Representative Klingler to your people and tell... you want to name that airport in Peotone after the governor or whomever because they now have all your road fund money. Well, Representative Klingler, Representative Jones, Representative Poe, understand if you vote for this, you're going to see it come back and you're going to see it come back in more ways than one."

Speaker Leitch: "The Gentleman from Madison, Representative Stephens. For what purpose do you rise, Sir?"

Stephens: "Well, I guess to address the Bill, Mr. Speaker. But you know, all we hear from the other side of the aisle at best, are these imaginary scenarios, you know. It's funny that they... they invoke the names of several Members on this side of the aisle that they referred to as targets, but I can tell you, having been in their districts they are very, very strong in their districts. But, be that as it may, it's funny that the Representative would mention the names and imagine that these people are going to be voting not based on the fact, but something that he proposes is the fact. It reminds me of House Bill 267. That was never called in committee. The Sponsor never presented the Bill and yet the Democratic Party put out mailers and what they call Republican target districts, lying about the purpose of the Bill. Lying about what they were doing with the money. Lying about the policies of these Representatives and now they're lying again by saying that they're taking road fund money when that's not the case. It's not the issue, you ought to retract your remarks, Representative. You owe this Body an apology and your leader or what you call a leader on that side of the aisle ought to come out here an apologize for the demagogue politics and the lying

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

that you're doing in the very districts that are being well represented and we will add to our numbers because of your tactics."

Speaker Leitch: "The Gentleman from Cook, Representative Schoenberg. For what purpose do you rise?"

Schoenberg: "Thank you...thank you, Mr. Speaker. To...a question for the Sponsor. Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Schoenberg: "Mr...Mr. Johnson, I know that the DuPage County Airport Authority has been an area of interest of your predating to your service here, is that correct?"

Speaker Leitch: "Representative, proceed."

Johnson, Tom: "Yes, that's correct, it's about a half a mile from my home. Yes."

Speaker Leitch: "Representative Schoenberg."

Schoenberg: "Mr. Johnson, in your public career, you... I know you've taken great exception with some of the practices that the DuPage County Airport Authority has... conducted. For those Members who haven't been following as closely as others, could you perhaps elaborate on your assessment on how the DuPage County Airport Authority conducts it's affairs?"

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "We have, as many of you know, who have come to DuPage County Airport. We have one of the finest facilities that you would ever want to imagine. The point is, is that the time has come that there has to be some elected bodies oversight in terms of the structure of this...of the...the board's budgets. Part of the reason for this at this point is, in the past this Legislature had created a Airport Authority which really spanned two counties. At that time, the State Representatives were

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

also involved in appointing members to this board. In the last few years, those townships in Kane County have withdrawn the entire Airport Authority is now in DuPage County. And therefore, since it is only the DuPage County Board that appoints these members, it's only proper that they should continue to have some oversight as to the expenditures at the airport. It's a beautiful facility, you should all come and see it."

Speaker Leitch: "Representative Schoenberg."

Schoenberg: "It...it certainly is a fine facility and if we were to...particularly if you like golf. I don't happen to like golf, but I do know that this facility has been singled out time and time again for being a money losing venture in the midst of a land grab where more and more property is acquired for the DuPage County Airport Authority in order to facilitate this golf course and other amenities which could hardly be characterized as economic development. Mr. Johnson, does the... does the DuPage County Airport Authority receive any funding whatsoever from the Illinois Department of Transportation?"

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "You mention the golf course and I think I ought to at least explain that, that in fact the golf course was built on open space as a safety factor and was authorized by this House of Representatives when it was under the control of the prior Leadership. Does it receive any funding? It receives some funding I believe out of IDOT's transportation budget, just as other airports in the state does."

Speaker Leitch: "Representative Schoenberg."

Schoenberg: "That...then perhaps if we are genuinely interested..."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Leitch: "Representative, I'll give you one more minute and then wrap it up please."

Schoenberg: "Thank you, Mr. Speaker. I was just going to say that perhaps if we are as interested in accountability as we all say that we are, then since the DuPage County Airport Authority does indeed receive State Funds. Perhaps it would be appropriate for the Auditor General to conduct an audit of how the DuPage County Airport Authority conducts it's affairs. If we were to write a song for this Bill Mr. Speaker, it would be, 'I'm Meeting The Low Standards Which You Set For Me'. There's so much that needs to be done in the area of enhancing accountability at the DuPage County Airport Authority and this merely skims the surface. I... I would urge all the Members to take a more stringent approach to this and if indeed we are going to set a standard of accountability for the Chicago Public Schools, for every other public body which we give money to, then we should do so as well for the DuPage County Airport Authority. Thank you."

Speaker Leitch: "The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Black: "Representative, I...I got myself all worked up over there. One of my colleagues was doing his best imitation of 'Chicken Little' and good Lord, I thought the sky was falling. Now, let's see. One of the spins will be, that this Bill may be used for the Peotone Airport. You're a man of your word and I know you can't commit to what the Senate will do, but do you have any great desire to see your Bill that you've worked on for years used to create

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

some Airport Authority in Central Illinois is... I don't think that's your intention at all, is it Representative?"

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "Absolutely not. In fact, I would fight that vigorously."

Speaker Leitch: "Representative Black."

Black: "Well, that's what I thought and I hope everybody listened to the Representative and his response. He said, absolutely he's...it's not his intention to send some kind of a Bill that the Senate could use to create an authority at Peotone or anywhere else and that if they do that, he'll fight the Bill. And I...I think it's behooves...behooves all of us that are...all of us that live downstate, when and if we get to a Peotone question, we'll all make up our minds on that issue. You know, some of you...some of you would have us believe in this Chamber that a potential third airport, a potential third airport would be some kind of disaster for every...every county downstate. And the last time I drove around O'Hare, it sure didn't seem like a economically depressed area to me. So, I mean let's...let's not play 'Chicken Little' here. You know, Peotone will rise or fall on it's own. Nobody's going to hide Peotone in House Bill 90 or House Bill 9000 or House Bill 9 or anything else. But, of course what does give me great pleasure Representative, is that the last airport, and I think the only one built in the last decade or two was in Denver and I...I don't remember what the original estimate was. I think \$850 million, it didn't open for like a year past due and I think it eventually cost something like \$4 1/2 billion and...and the federal government under the President was so impressed with that guy's ability, hell they made him the Secretary of the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Department of Transportation! You know. Hallelujah! Boy, there's a jim dandy! You know, it's only going to cost \$850 million, it rolls in at about \$4 1/2 billion, hey they send him right to Washington! Hell, the Democrats understand that kind of math! Oh! Hallelujah! Hallelujah! You know...if...to the Bill. To the Bill, Mr. Speaker."

Speaker Leitch: "Proceed, Sir."

Black: "Why somebody over there's got a longer memory than I do. You got...you got to be born right after World War II to remember Watergate. You know, in all due respect to my colleague and it's his job to do what he did. He did it very well. On the Motion to recon...on the Motion to table the Amendment, good maneuver. Absolutely a good maneuver. I...I stand in awe of that little, that little maneuver and of his speech. Because what he's done now, he's cast some doubt on the underlying Bill. Now, the underlying Bill is rather simple. It doesn't say anything about Peotone. If you want to spin it that way, that's okay. You spin it however you want, but here's the underlying Bill. The underlying Bill says you aren't going to get paid to serve on the DuPage Airport Authority Board. That's all it says. You see, you're not going to get paid to serve on that board. \$10,000 is what they make now. Now, Amendment #1 that was a...a great stalking horse says well that simply runs out when their term runs out. That may not be how you and I would of crafted it, but that's way the Bill is. And don't...let's not confuse what happened in the City of Chicago with this Bill. I don't think that we have the legislative authority to wipe out the entire salary schedule for the City of Chicago government. We not only don't have that authority, we didn't do that. We did

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

question a salary increase at the last conceivable moment. This Bill doesn't question any salary increase, this Bill says you've been getting \$10,000 to serve on an airport board that's having some difficulties. You're not going to get paid to serve on that board. So, spin it anyway you like. The bottom line is it makes the DuPage Airport Authority just a tad more accountable and I can live with that."

Speaker Leitch: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Thank you, Speaker. I would just like to rise in support of our staff. The previous speaker was in error. The idea about the tabling the Amendment wasn't Representative Granberg's at all, it was our...our illustrious and very, very bright staff. So in support of our staff...in support of our staffs, I would like to say that."

Speaker Leitch: "The Gentleman..."

Hoffman: "Secondly...no. Secondly, I think I...I need to address the Bill. It's my understanding and...and maybe they can correct me if...if I'm wrong. The Bill does not say what the previous speaker exactly wants it to say. The Bill says certainly that future appointees won't be paid, but the Bill also says that current appointees will continue to be compensated. Well, we want a Bill that says that the...the Airport Authority will not be compensated. Let's vote on that Bill and I think we could be in favor of that Bill. But the problem is...is...the problem is, is what we're saying here is that current people continue to get compensated and future people do not. So I say to you, why do we draw the distinction? Secondly, with regard to the issue of Peotone, I would...I would ask the Sponsor a

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

question if the Sponsor would yield?"

Speaker Leitch: "Will the Gentleman yield? He indicates he will."

Hoffman: "Representative, much was made earlier about the issue of whether Peotone would be on this Bill. The question was asked you whether you would resist Peotone being on this Bill. You indicated that you would. Will you agree not to call this Bill if it comes back over to the House if the Peotone Airport is on this Bill?"

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "You asked me two questions. Can I ask...answer the first one? Huh? Okay. The first question that you asked was why don't we eliminate the pay increases for those people who are currently are not increases, the current stipends being paid to airport board members who are currently in office? We cannot roll that back, that is a stipend that they have. But we are cutting out \$90,000 in stipends on all future board members. These people have their positions vested very different than what happened in the City of Chicago, I might add. Secondly, your second question. I said I will fight this Bill if it comes back here with Peotone or any other airports on this Bill."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Representative...Representative, you are...and I'm very proud to serve with you on the Judiciary Committee. I think you're a wonderful Chairman on the Judiciary Committee, and I understand the word 'fight'. I'm asking you, will you agree not to call this Bill...will you agree not to call it in the Illinois House of Representatives, in Committee in the Illinois House of Representatives, if Peotone is on this Bill...agreed not to call the Bill. That's a question."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "I don't really have to answer that, but I think you would prefer that I would fight those sorts of additions to my Bill than just roll over."

Speaker Leitch: "Representative Hoffman."

Hoffman: "I...I think that the Representative, with all due respect to him, the question was pretty simple. Will you refuse to call it or won't you refuse to call it? So I ask once again, once again, and you can refuse to answer again, but I would hope that with the respect that I have for you, you would answer. Will you refuse to call the Bill if it is called...if it is over to the House with Peotone on it? Yes or no? Will you refuse to call the Bill? Not fight it. Will you refuse to call it?"

Speaker Leitch: "Are you ready to answer that yet, Representative? Representative Johnson."

Johnson, Tom: "Yes, I'm...I'm ready to answer that. I guess my only question back would be, are you willing to end all of this ridiculous questioning that you're doing here, if I just give you the answer yes?"

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, I don't...I...I don't think...let me tell you this. My concern is...is this, Representative. First of all, I...I applaud you for saying you're going to fight it because under the House Rules they could steal the Bill from you. Believe me, I've seen that happen to people on this side of the aisle. What I'm asking you, if you were still the Sponsor, I know you'll fight it if somebody takes it from you. If you were still the Sponsor, will you refuse to call it? And I think I have...I don't think that's a ridiculous question. I think it's a straightforward question."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "Representative, I've worked long enough with you and you're not going to settle for anything other than yes, and so no, I...I won't call it if it comes back with that. Will that satisfy you?"

Speaker Leitch: "Representative Hoffman. Representative Johnson to close."

Johnson, Tom: "You know, we've all heard a lot on this now, but I think it's just critical to recap. That what this really is, is a very good government piece of legislation that in essence says, that the budget and levy...now not elected Airport Authority will be submitted to an elected body on an annual basis for their approval. This is going to bring accountability because there are elected officials now that are going to have to oversee this process. Secondly, the commissioners of the DuPage County Airport currently receive \$10,000 per year, \$90,000 total. We are cutting this \$90,000 out. The county board just appointed five new commissioners, all of which are under the previous law. All of which have stated emphatically they will not even accept this \$10,000 and they are not excepting it. And in the future the other four, as their terms expire in the next year or two, those moneys will be phased out in addition. We are going to be saving the taxpayers \$90,000 a year. This is good accountability legislation. I ask for your support and would ask for an 'aye' vote. Thank you."

Speaker Leitch: "The question is, 'Shall House Bill 90 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

record. On this question, there are 64 voting 'yes', 36 voting 'no', and 9 voting 'present'. Representative Lang, for what purpose do you rise, Sir?"

Lang: "Have...have...have you already declared the vote, Sir?"

Speaker Leitch: "I'm on the verge of it."

Lang: "I would ask for a verification."

Speaker Leitch: "Are you sure you want to persist in that?"

Lang: "Oh...there's a ground swell of support here, Sir, for a verification. I'm absolutely sure."

Speaker Leitch: "All right, Sir. The Gentleman's requested a verification. Mr. Clerk, read the Affirmative Roll."

Clerk McLennand: "Those Representatives voting in the affirmative: Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlishaw. Cross. Deuchler. Durkin. Gash. Hanrahan. Hassert. Hoeft. Hughes. Tim Johnson. Tom Johnson. John Jones. Klingler. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Andrea Moore. Mulligan. Maureen Murphy. Myers. Noland. Novak. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner."

Speaker Leitch: "Excuse me, Clerk. Representative Lang, does Representative Tim Johnson have leave to be verified? Thank you."

Clerk McLennand: "Spangler. Stephens. Tenhouse. John Turner. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zabrocki. Zickus."

Speaker Leitch: "Representative Lang."

Lang: "Representative Mitchell?"

Speaker Leitch: "Representative Mitchell. Is the Gentleman in the chamber? He's down here in front, Representative."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Lang: "Representative Stephens."

Speaker Leitch: "Representative Stephens is in front of the chamber. Representative Black."

Lang: "Representative Weaver?"

Speaker Leitch: "Representative Weaver, Mike Weaver. Is the Gentleman in the chamber? Mike Weaver. The Gentleman just returned to the chamber, Representative Lang."

Lang: "Can I have one of those Pepsi's he's got with him?"

Speaker Leitch: "Representative Black asks leave to be verified."

Lang: "Representative Ryder?"

Speaker Leitch: "Representative Ryder, Tom Ryder. Is the Gentleman in the chamber? Representative Ryder is on his way. Representative Ryder. Mr. Clerk, remove him from the roll, please. Representative Lang."

Lang: "Bear with me a moment, Sir."

Speaker Leitch: "Mr. Clerk, Representative Ryder has returned to the floor. Would you restore him to the roll, please? Leave for Representative Churchill?"

Lang: "Yes, there must be some sort of Republican Leadership meeting in the back, but go back to it. Well, you can go back to it now. We just wanted to see you out here."

Speaker Leitch: "Any others, Representative Lang?"

Lang: "Well, wait. Anybody over there not there? Some of you that are raising your hands really are not here. That's all, Sir."

Speaker Leitch: "On this question there are 64 voting 'aye', 36 voting 'no', 9 voting 'present' and House Bill 90 is hereby declared passed. Having received a Constitutional Majority, is hereby declared passed. Representative Phelps, for what purpose do you rise, Sir?"

Phelps: "Thank you, Mr. Speaker. I had my light on since you had taken the vote, and I wanted to be recorded as 'no'. I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

guess I wasn't quick on the switch in my older days as I used to be. So let the record reflect a 'no' on House Bill 90."

Speaker Leitch: "The Journal shall so reflect, Sir. Mr. Clerk, call House Bill 241, please. Representative Pedersen."

Clerk McLennand: "House Bill 241, a Bill for an Act concerning the scientific evaluation of job training programs for disadvantaged persons. Third Reading of this House Bill."

Speaker Leitch: "Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 241 creates the Scientific Job Training Evaluation Act. It requires the Department of Public Aid to contract for a scientific evaluation of job training programs for disadvantaged persons or of any education and training program for recipients of Aid to Families with Dependent Children. It requires that the evaluation shall include the random division of participants in the study into two groups. The experimental group would receive job training or education services and the control group would not receive services. The effectiveness of the program evaluated will be determined by comparing the two groups. This...What we're really trying to do here is not just evaluate the people who have been in the program. We're trying to compare them to people who have not been in the program and see if the people in the program are doing better than those who were not. This Bill passed a Democratic House back in 1993 by over a hundred votes and I would ask for a favorable vote."

Speaker Leitch: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Will the Gentleman yield?"

Speaker Leitch: "He indicates he will."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Granberg: "Representative Pedersen, you cite the need to do this.

Are you not familiar with any other states that might have conducted an evaluation such as this on AFDC?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "Yes, I have a letter from Robert Rechner of the Heritage Foundation who says, the department...says, I spoke to officials at HHS and none could remember HHS ever opposing evaluation using control and experimental groups. Far from being barred by HHS, controlled experimental evaluation has become very common in the last ten years. An evaluation of the Job Training Partnership Act using control and experimental groups is currently underway in over 15 states nationwide. This is a letter dated back in '93. Controlled experiments already had been used to evaluate AFDC training and job search programs in the following locations: San Diego, California. Little Rock, Arkansas. Jefferson County, Arkansas and Riverside, California. Statewide evaluations have occurred in Virginia, West Virginia and Maryland."

Speaker Leitch: "Representative Granberg."

Granberg: "Representative, when was that letter...the letter written?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "April 20th, 1993."

Speaker Leitch: "Representative Granberg."

Granberg: "And that letter was dated in 1993 and that was from the head of the Heritage Foundation to you? And could you tell...I believe that's correct. And what does HHS stand for, Sir?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "That's the federal Department of Health and Human Services."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Leitch: "Representative Granberg."

Granberg: "And the president of the Heritage Foundation indicated to you then, in that correspondence, that in 1993 approximately...or over 15 states were conducting evaluations of the AFDC program. Is that correct?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "That's what he said."

Speaker Leitch: "Representative Granberg."

Granberg: "Since 1993, Representative, do we know the results or the evaluations of those studies that were conducted?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "I don't have those results, but I'm not sure that that is especially germane. I mean, after all, we're concerned about how our programs are working."

Speaker Leitch: "Representative Granberg."

Granberg: "But in the AFDC program, Representative, aren't certain things a constant that are required by the Federal Government?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "I'm sorry, I couldn't hear."

Speaker Leitch: "Could we have a little order, please? We're having a hard time hearing. Could you please take your conversations to the back, please? Could we have some order for the Gentleman? Representative Granberg, would you care to restate your question, please?"

Granberg: "Thank you, Mr. Speaker. Representative, given that the studies were conducted in at least 15 other states since 1993 and we don't know the results, but I thought the AFDC program had a certain commonality in no matter what state because of federal requirements. Is that correct?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "Well, it's my understanding they do have some common

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

elements, but I would doubt that they're precisely uniform in all the states."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, do you know what factors are different from state to state?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "I don't think it really matters. What we really want to know is whether or not our programs are working. If they're not, then we need to change them."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, Representative, I thought earlier this year we abolished the AFDC."

Speaker Leitch: "Representative Pedersen."

Pedersen: "Well, he is your President. I thought you were talking about the federal program then. Excuse me."

Speaker Leitch: "Representative Granberg."

Granberg: "Repre...Mr. Speaker, I think he's working on an answer."

Speaker Leitch: "Representative Pedersen."

Pedersen: "I'm sorry, would you repeat?"

Speaker Leitch: "Representative Granberg."

Granberg: "Representative, I thought we had passed legislation earlier this year that would abolish the AFDC by FY '97. Is that correct?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "I believe it sunsets in 1998."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, do you think it's better to evaluate it before we kill it or should we kill it and then evaluate it?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "Well, I think that these kind of programs have been pretty common and pretty universal and there's an awful lot

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

of talk about how they're needed. And I think that we best, you know, as they say, a bird in the hand, rather than ..."

Speaker Leitch: "Representative Pedersen, continue, Sir. Were you finished?"

Pedersen: "I just...it's better to have a bird in the hand and study what we've got, rather than hope we won't have to do it three years from now."

Speaker Leitch: "The Gentleman from Cook, Representative Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Dart: "What's the reporting date on this study?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "Well, we don't have an effective date in the Bill. Is that what you're talking about?"

Speaker Leitch: "Representative Dart."

Dart: "No. I was wondering when it is...quite often we do these studies that require that when they're done that we have a reporting date back where the study is supposed to be completed by a certain date. They're suppose to report back to us by a certain date. I was wondering what that is or what's projected for with this."

Pedersen: "I don't think there's a date in the Bill. It's an ongoing program and we'll just pass it and tell them to go to work. And it'll be contracted out by a good private sector company and they'll have it back before you know it."

Speaker Leitch: "Representative Dart."

Dart: "So will we be still evaluating this after the program's dead then?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "Well, you know what they say about programs that are

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

supposed to disappear. My guess would be...I hope that it happens, but there's a lot of water to go under the bridge between now and then."

Speaker Leitch: "Representative Dart."

Dart: "Representative, it just seems to me that by the time we could even begin to get this study up and rolling, there'd be about a year left or so in this program's existence, period. Well, how many people are gonna...how much is this going to cost?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "A lot less than the people in the agency say it will cost. When we were talking about this a couple of years ago, I think we were talking a couple of hundred thousand dollars."

Speaker Leitch: "Representative Dart."

Dart: "Did Public Aid today inflate the cost as to how much this was going to cost us?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "Well, I don't want to make any accusations."

Speaker Leitch: "Representative Dart."

Dart: "Repre...My concern with this is, we're creating another study. We're studying a program that we've already decided to kill. We've seemed to have made up our mind already, what we want to do with it. It doesn't seem to me to make a heck of a lot of sense to evaluate it if we've made up our mind already what we're going to do with this. It would seem to me, at the bare minimum, we should have a day when we require these people to report back to us about their study because technically...theoretically, they could drag this out until after the program is over. Is there something we can do about that?"

Speaker Leitch: "Representative Pedersen."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Pedersen: "I couldn't hear."

Speaker Leitch: "Representative Dart."

Dart: "What I was wondering, is if because there's no scheme laid out, there's no reporting date for when the study is supposed to be done by. It would seem to me that it would be wise on our part to put something like that into law, seeing as we already know that this program is going to be dead and gone in about a year and a half or so, so that we don't have a group of bureaucrats trying to continue a program studying something we know that doesn't exist, that won't exist, and coming back and telling us that after they've expended a great deal of money. Is there anything we can do in regards to that?"

Speaker Leitch: "Representative Pedersen."

Pedersen: "Well, I think that we can assume that while the program will be gone, there will be some effort to come up with some alternatives. And I can't imagine, as popular as these programs seem to be, that they wouldn't keep trying. I think the important thing is for us to determine whether they work."

Speaker Leitch: "Representative Dart."

Dart: "Well, Representative, I think this would have been a good idea about a year ago when we still had this program to deal with. Now that this program is going by the wayside, I don't think that this is a study that we really need now. We probably need more of a study on how to bury this program as opposed to this."

Speaker Leitch: "The Lady from Cook, Representative Wojcik. For what purpose do you rise?"

Wojcik: "Mr. Speaker, I move the previous question."

Speaker Leitch: "The Lady has moved the previous question. All those in favor shall vote 'aye'; opposed the same. In the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

opinion of the Chair the 'ayes' have it. I didn't...On this question there are 63 voting 'aye', 48 voting 'no' and the question has been put. Representative Pedersen to close."

Pedersen: "I think it's very important for us to know how our programs work. If it is possible that the AFDC will be gone, I think if we have some studies with information as to how the programs that are currently there work, that we might be able to say safely and confidently that we can go forward with these programs. So I would think that these studies are even more important than ever. It just seems to me that without a truly scientific study as to whether or not a program is working or not, we're just paying for something that we hope will work out. So, for those reasons I think this is very good legislation that we ought to pass, and let's take a look at how the programs are working."

Speaker Leitch: "The question is, 'Shall House Bill 241 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question there are 85 voting 'aye', 12 voting 'nay', 12 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black in the Chair."

Speaker Black: "On the Order of Children and Family Law, Representative Preston. Is he in the chamber? No, he's not in the chamber. We'll get back to this. All right. Mr. Clerk, on page 13 of the Calendar appears House Bill 315."

Clerk McLennand: "House Bill 315, a Bill for an Act that amends

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

the Whistle blower Reward and Protection Act. Third Reading of this House Bill."

Speaker Black: "On House Bill 315, the Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Mr. Speaker..."

Speaker Black: "Ladies and Gentlemen of the House, please give this Representative...please give the Representative an opportunity to kill her Bill on her own. Proceed, Representative."

Feigenholtz: "Mr. Speaker, the legislation contained in House Bill 315 extends the current Whistle blower Reward and Protection Act to municipalities, school districts, state colleges and universities and any other units of local government. It passed through the committee unanimously, in 15 seconds, and I ask for an 'aye' vote on this Bill. But I guess there may be a couple of questions. What do you think?"

Speaker Black: "And further discussion on House Bill 315. The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Black: "She indicates she will."

Wennlund: "Yes, Representative Feigenholtz. As I understand this, it expands the provisions of the Whistle blower Reward and Protection Act to something beyond that of state government and the agencies of state government to include colleges and universities. Is that correct?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "That is correct."

Speaker Black: "Representative Wennlund."

Wennlund: "Has the...has this Act proven in the past to be effective in preventing fraud at all levels of state government and the agencies it covers?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "Please repeat the question, Representative Wennlund."

Speaker Black: "Representative Wennlund, on a repeat of the question."

Wennlund: "The Whistle blower Reward and Protection Act. Has it been effective in turning up fraud in state government and in agencies of state government? Have there been prosecutions under this Act as a result of the Whistle blower Act?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "I believe that there has been, Representative."

Speaker Black: "Representative Wennlund."

Wennlund: "To the best of your knowledge, when is...can you name one instance when indeed fraud in state government, or an agency of the state government, has been discovered as a result of a whistle blower and, in fact, the whistle blower who receives some compensation as a result of it?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "Representative Wennlund, I don't...I can't particularly cite an incident right now, but I'm sure that it has in the past."

Speaker Black: "Representative Wennlund."

Wennlund: "How long has this Act been in effect?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "1992. January 1st."

Speaker Black: "Representative Wennlund."

Wennlund: "Since 1992. I cannot recall any instance that's been reported by any of the major papers, where indeed some fraud was discovered by an employee or any person who was intended to be covered as a whistle blower."

Speaker Black: "Representative Feigenholtz."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Feigenholtz: "Representative Wennlund, with all due respect, this is a permissive Bill."

Speaker Black: "Representative Wennlund."

Wennlund: "Have there been any instances of fraud or defrauding state government or state colleges and universities, or public community colleges and school districts and units of local government, that would warrant the addition of these entities under the coverage of the Bill?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "Representative Wennlund, I think I said a little earlier that I cannot cite an incident. Maybe you're...maybe you're not...can you hear me?"

Speaker Black: "Representative Wennlund."

Wennlund: "To the Bill, Mr. Speaker and Ladies and Gentlemen of the House."

Speaker Black: "Proceed."

Wennlund: "There seems to be one...Perhaps we could make this a better Bill if we included the State Universities Retirement System under the terms of this Bill also. So...and I think it's a good idea and maybe I'd ask you to consider doing that in the future, and we're going to support your Bill."

Speaker Black: "Yes, well I'll recognize one person on your side of the aisle, Representative. You've done an outstanding job. Representative...the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. I'm joined by a lot of my colleagues to take this off of Short Debate."

Speaker Black: "I'm shocked. I'm shocked, Sir. Representative Feigenholtz, what is your desire?"

Feigenholtz: "Short Debate."

Speaker Black: "Representative Lang, you really want to get

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

personal with..."

Lang: "No, I don't think we'll do that, but I do have one or two questions."

Speaker Black: "Well, as well you should. I...you should proceed with questions. There's no question about that."

Lang: "Representative, hi! Hi, there. So you're Representative Levin. Correct? No. Representative, this Bill passed the House last year. Correct?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "Yes, it did."

Speaker Black: "Representative Lang."

Lang: "And many of the people on that side of the aisle voted for it. Isn't that correct?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "I believe that's true, Representative."

Speaker Black: "Representative Lang."

Lang: "And this was Representative McAfee's Bill? Is that correct?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "Yes, it is."

Speaker Black: "Representative Lang."

Lang: "And where is he today?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "I hear he's making a lot of money practicing law."

Speaker Black: "Representative Lang."

Lang: "Well, is there any chance he's in private law practice with Representative Levin?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "Not if he doesn't practice condo law."

Speaker Black: "Representative Lang."

Lang: "There's nothing about condo law in this Bill?"

Speaker Black: "Representative Feigenholtz."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Feigenholtz: "No, Sir, there's not."

Speaker Black: "Representative Lang."

Lang: "You don't have to call me Sir. No one else around here does. It's not...really not necessary. You'd be absolutely the first. Has Representative Levin approved this Bill?"

Speaker Black: "Representative Feigenholtz."

Feigenholtz: "I haven't spoken with Representative Levin lately."

Speaker Black: "Representative Lang."

Lang: "Well, just one comment. We all have taken a vote on this side of the aisle and we think you go to a better tailor than Representative Levin did. Thank you, Mr. Speaker."

Speaker Black: "Seeing no further discussion, Representative Feigenholtz to close."

Feigenholtz: "Members of the General Assembly, I believe that we should extend the same protection to a greater number of public sector employees that can report the abuse of taxpayer dollars. I do not think we should just limit this Act to state government because our tax dollars are spread out in many areas of government including local government, school districts and colleges."

Speaker Black: "Excuse me. Excuse me, Representative. Excuse me. Evidently the Gentleman from Kankakee thinks his name was used in debate. So, yes. The Gentleman from Kankakee, Representative Novak, are you seeking recognition?"

Novak: "Yes. Yes, Mr. Speaker. Will the Sponsor yield? Yes, Representative Feigenholtz, what kind of a whistle blower do you have to use in this Bill? Where do you get these whistle blowers? Can you tell...answer that?"

Speaker Black: "Do you care to respond to that, Representative? Yes, Representative Novak, she didn't understand the question."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Novak: "Speaker."

Speaker Black: "Yes."

Novak: "Speaker, why are you laughing? Speaker, I asked the Representative, where do you get these whistle blowers."

Speaker Black: "I asked her if she'd care to respond to that. She has declined to respond to that and I'm laughing because I'm just waiting for your conflict of interest statement. Yes, proceed, Representative Novak."

Novak: "Speaker, I have no further questions. I think there's some recalcitrance on the part of the Sponsor, but I'll certainly support her Bill."

Speaker Black: "Yes, and the Lady from recalcitrance to close on the Bill."

Feigenholtz: "I encourage your support on this Bill. Thank you."

Speaker Black: "The question is, 'Shall House Bill 315 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 106 voting 'aye', 2 voting 'no', 1 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On page 14 of the Calendar there appears House Bill 373. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 373, a Bill for an Act that amends the Nursing Home Care Act. Third Reading of this House Bill."

Speaker Black: "Yes, Representative Lawfer, do you wish to take this Bill to Second Reading? Mr. Clerk, Representative Lawfer would like this Bill returned to Second Reading. On page 14 of the Calendar there appears House Bill 412. Mr. Clerk, read the Bill."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Clerk McLennand: "House Bill 412, a Bill for an Act that amends the Environmental Protection Act. Third Reading of this House Bill."

Speaker Black: "And the Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. This Bill, as it passed out of the committee, 23 to nothing, exempts major dump-pit areas at a country grain elevator from being required to have induced draft equipment at their grain elevators. Induced draft equipment vacuums the grain and grain dust into the dump-pit and reduces grain dust emission. Country grain elevators shall be exempt from the equipment, provided dump-pit areas handle an annual grain throughput of no more than 2,000,000 bushels and do not cause or allow the discharge or emission of any contaminant into the environment that pollutes the air or violates regulations under the Environmental Protection Act. Major dump-pit areas at a country grain elevator constructed on or after June 30th, 1975, shall be exempt from the control requirements only if in addition to the provisions previously specified, the dump-pit areas are constructed outside of a major population area and are at least a thousand foot from any residential or populated areas."

Speaker Black: "Thank you. And before we get to discussion on House Bill 412, the Gentleman from Cook, Representative Lang, are you seeking recognition on another issue?"

Lang: "Thank you, Mr. Speaker. Very important. I'd like it quiet in here if I could. This is really an important thing. You know, we have some Members of this Body that get really excited about their Bills. Some of us as...and some of us do this acting thing, and we get our trophies for that and we give out the grow award, and we get very

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

pumped up and excited about what we do in here. But this is a first, Ladies and Gentlemen. We have a Representative that did pass her first Bill and of course forgot to vote on the Bill. So...so I just wanted you to all know that had Representative Feigenholtz been on the floor while we were voting on her Bill, she probably would have voted 'aye'."

Speaker Black: "Representative Feigenholtz, the record will indicate that on your first Bill you had intended to vote 'aye'. Yes, the Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker."

Speaker Black: "That's quite all right. You might want to go back and ask Representative Novak to help you on subsequent votes."

Feigenholtz: "I think I will."

Speaker Black: "I'm sure he can do that. You've heard the presentation on House Bill 412, and on that, is there any discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Thank you, Speaker. Will the Sponsor yield?"

Speaker Black: "Indicates he will."

Hoffman: "Representative, maybe our...maybe our file is in error, but I thought...Is this your Bill now? I thought this was Representative Persico's Bill."

Speaker Black: "Representative Ackerman."

Ackerman: "It is now my Bill."

Speaker Black: "Representative Hoffman."

Hoffman: "Was the sponsorship recently changed, Representative? Did you take this through committee? I'm just trying to figure out whose Bill it is."

Speaker Black: "Representative Ackerman."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Ackerman: "I helped draft it."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, to the Bill. Representative, how many grain elevators will be affected by this Bill?"

Speaker Black: "Representative Ackerman."

Ackerman: "Ten to twenty currently is the estimation by the EPA."

Speaker Black: "Representative Hoffman."

Hoffman: "Have any environmental groups, to your knowledge, taken a position on this Bill? For or against the Bill?"

Speaker Black: "Representative Ackerman."

Ackerman: "I only know Farm Bureau is in support and there was no opposition in committee."

Speaker Black: "Representative Hoffman."

Hoffman: "How many major dump-pit areas does one grain elevator usually have?"

Speaker Black: "Representative Ackerman. Representative Ackerman."

Ackerman: "A major sized elevator could have two to three. Some of the smaller ones just have one dump-pit."

Speaker Black: "Representative Hoffman."

Hoffman: "It's my understanding that what this would do is exempt major dump-pit areas of country grain elevators from the induced draft requirements. What exactly is that induced draft requirement?"

Speaker Black: "Representative Ackerman."

Ackerman: "There's a formula put out by the EPA that tells exactly what an induced draft requirement is, but essentially it's the drawing down of air through the dump-pit sufficient to keep contaminants from flowing out into the atmosphere."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, it's my understanding that there's a two million

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

bushel limit on this. So wouldn't it be possible that a grain elevator that handles millions of tons of grain each year could construct several major dump-pit areas, each handling less than two million bushels, in order to be exempt from the emission requirements?"

Speaker Black: "Representative Ackerman."

Ackerman: "Well, they would have to be at different locations. They couldn't be all on site at one location."

Speaker Black: "Representative Hoffman."

Hoffman: "So, there's a limit as to how many can be on one particular location under this Bill?"

Speaker Black: "Representative Ackerman."

Ackerman: "Would you repeat the question? I couldn't hear you."

Hoffman: "The question is, is there a limit as to how many major dump sites could be on one particular location?"

Speaker Black: "Representative Ackerman."

Ackerman: "No. There's no limit to sites. It's an annual grain put through of two million bushels."

Speaker Black: "Representative Hoffman."

Ackerman: "Not the number of..."

Hoffman: "I'm not...I'm not that familiar with the issues. So my question, then, is if there can be more than one on any particular location. Couldn't an individual grain elevator make several of them with less...the capacity of less than two million bushels, therefore, essentially thwarting the intent of this law?"

Speaker Black: "Representative Ackerman."

Ackerman: "If they have less than two million throughput, they would be exempt. If they have more they would not be exempt."

Speaker Black: "Representative Hoffman."

Hoffman: "What I'm saying is, what if they had less than two

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

million at each dump-pit?"

Speaker Black: "Representative Ackerman."

Ackerman: "The number of dump sites has nothing to do with the Bill. It's the amount of bushels run through per site."

Speaker Black: "Representative Hoffman."

Hoffman: "It's my understanding that particularly it indicates as long as a dump-pit area...the dump-pit area handle less than two million bushels per year. So what I'm saying is, couldn't you construct several dump-pit areas in a given location, thereby thwarting the intent of your Bill?"

Speaker Black: "Representative Ackerman."

Ackerman: "No."

Speaker Black: "Representative Hoffman."

Hoffman: "So, just to clear up the intent. The intent is not to allow several of these dump-pit areas with less than two million bushels, it's just to allow one with less than two million in any given grain elevator, so that they cannot thwart the intent of your Bill and there potentially lead to increased air emissions in Illinois. If that's so, I can support your Bill. But if we don't clear up that legislative intent, I think we're asking for...we're ripe for abuses and we could have people abusing this law and would abuse the underlying law which pertain to air quality."

Speaker Black: "Representative Ackerman, respond to the question. Representative Hoffman's time has expired."

Ackerman: "Regardless of the number of dumps on an elevator site, it is two million bushels per elevator, per location."

Speaker Black: "Further discussion? The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Representative Ackerman and I have

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

been working on this Bill because a number of the smaller downstate elevators are soon being impacted by rules that have been in place but have not yet been enforced; although there are some that are beginning to be enforced, and for many of these small elevators it makes absolutely no sense at all. They're out in the middle of the country. They're not near anything and the requirement to comply with the rules as they now stand would cost, in some cases, 40, 50, 60 thousand dollars a year. Which is far more than and often these individual places make. It's very interesting to know that Illinois has different rules pertaining...this part of the regulation, than does Iowa or Indiana or the surrounding farm states which are known for grain. Because we are an industrial state and because we are Chicago and because we have a different more metropolitan area, our Illinois Air Quality Plan is different and serves a great hardship on many of the more rural areas. This is a very very important, very important Bill to many of the smaller grain elevators in the state, and frankly, the two million limit on this Bill, I think, is an unfortunate one. I think it should be a greater limit and I think that there should be even further expansion in this area. But this, right now, is the best agreement that we can get. Just be aware, especially those of you downstate, that increasingly there's going to be more and more emphasis and more and more regulation imposed on rural grain elevators. And for those of you who are concerned about that issue and for those of you who are looking for a common sense Bill to support, I would very strongly urge you to support this very good Bill and head off some very significant problems that are sure to be arising in the very near future. Thank you."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Black: "Thank you very much. Further discussion on the Bill? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative Ackerman, it's your estimate that there are about ten or twenty elevators with this capacity that are now in production, and so forth, in receiving grain?"

Speaker Black: "Representative Ackerman."

Ackerman: "That was the estimate from the EPA."

Speaker Black: "Representative Hartke."

Hartke: "It's my understanding, then, that any new elevator built, regardless of size of the pit, must have the down draft to take care of the beeswings and dust and dirt that's developed when grains are dumped."

Speaker Black: "Representative Hartke. Representative Hartke (sic-Ackerman)."

Ackerman: "That was according to the rules promulgated in 1975, yes. We are attempting to exempt certain elevators from this that are under a certain amount of throughput bushels per year."

Speaker Black: "Representative Hartke."

Hartke: "Are those over two million dollars a year, even though they were built after 1975, must comply with EPA rules and, I guess, retrofit the dump-pit in order to allow for this down draft to collect the beeswings and the dust and the dirt. Is that correct?"

Speaker Black: "Representative Ackerman."

Ackerman: "Could the Gentleman repeat his question? We're having trouble hearing. Could we get a little order, Mr. Speaker?"

Speaker Black: "Please give your attention to Representative

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Hartke. Grain pits are very important in his district."

Hartke: "What you're doing is exempting those elevators that were built before then. Correct?"

Speaker Black: "Representative Ackerman."

Ackerman: "No. The elevators built before 1975 were already exempt. It's elevators built after 1975 with a throughput of less than two million bushels that we are exempting with this legislation."

Speaker Black: "Representative Hartke."

Hartke: "Two million bushels. They must then comply. Is that correct? Regardless of when they were built?"

Speaker Black: "Representative Ackerman."

Ackerman: "That is correct."

Speaker Black: "Representative Hartke."

Hartke: "Okay. If these elevators were built after 1975 and the rule was placed into being in 1975, then they were in violation of the Act. Is that correct?"

Speaker Black: "Representative Ackerman."

Ackerman: "They may have been."

Speaker Black: "Representative Hartke."

Hartke: "Well, they must have been. I have no problem cause I understand what you're trying to do because it costs a lot of money to retrofit these pits, I'm sure. What we...isn't dust and dirt one of the major causes of elevator explosions?"

Speaker Black: "Representative Ackerman."

Ackerman: "Yes, dust and dirt are the major cause of elevator explosions. However, when you confine this dust and dirt by filtering it, sometimes you create a situation worse than emitting it into the open air."

Speaker Black: "Representative Hartke."

Hartke: "Well, I guess that's just my point. Aren't we

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

exacerbating the problem by exempting those individuals from taking this dust out? And when we do that we're exempting those and letting them leave the dust in, which is cause...could cause an explosion at some point in time because the dust is allowed to be left in."

Speaker Black: "Representative Ackerman."

Ackerman: "I'm not sure I understood your question, Representative. I believe you asked if we didn't leave a possible dangerous situation with these that we are not exempting. Is that correct? Just nod your head."

Speaker Black: "Representative Hartke."

Hartke: "No. I guess my point is, if we leave the dust in and we exempt those, are we not causing the possibility of a fire and explosion?"

Speaker Black: "Representative Ackerman."

Ackerman: "If they're exempt, it's allowed to go into the open air."

Speaker Black: "Representative Hartke, your time is expired. Bring your questions to a close, please."

Hartke: "Well, I really don't have a whole lot of problem with it, other than I think that we may be causing some problems with the Fire Marshal because even though these are open pits and open areas, that dust will still remain in the grain and will be put up in the elevator in the bins. And that dust up in the bins and the enclosure of the building will possibly cause fire and explosion."

Speaker Black: "Representative Ackerman."

Ackerman: "Was that a question?"

Speaker Black: "Further discussion on the Bill? The Gentleman from Cook, Representative Hassert."

Hassert: "Mr. Speaker, I move the previous question."

Speaker Black: "The Gentleman has moved the previous question."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

And on that, I assume you're ready to vote. The question is, 'Shall the previous question be put?' All those in favor signify by saying 'aye'. Opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Representative Ackerman to close."

Ackerman: "This is very good legislation and good government. It lessens the regulations on business in Illinois at a place where it's not needed. Reduces costs not only to the farmer, but to consumers and elevators. I think we need to go further in this in the future. These elevators are out in rural areas not contaminating the area where people live. The dust and contaminants that they emit are same kind of dust that women make face powder out of and same thing that blows around the fields. So it's not like we're adding toxic chemicals or anything to the air. I just ask for a favorable vote on this Bill."

Speaker Black: "The question is, 'Shall House Bill 412 pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 103 voting 'aye', none voting 'no', 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen of the House, with the indulgence of the House, Representative Lang is within his rights and he has moved, pursuant to the proper rule and did vote on the prevailing side, he has moved to reconsider the vote by which House Bill 315 passed approximately 10 minutes ago. That Bill passed 106 to...106 'ayes', 2 'nays'. And on the...and on the question of reconsideration, the Gentleman from Cook, Representative Lang."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. After we passed this Bill and had our fun with Representative Feigenholtz, it came to my attention after actually reading the file, that we should really take a good hard look at this legislation. I appreciate the quiet in here. This is the quietest it's ever been when I've been speaking. At any rate, I could go on for a long time explaining my problems with it, but I think I would just ask the indulgence of the Body to pass this Motion to reconsider. And we can debate this for a couple hours on Third Reading and take it off of Short Debate and all those things that'll really make Representative Feigenholtz very happy, and I would move to reconsider."

Speaker Black: "I...the Motion before you is to reconsider the vote. All those in favor of reconsidering the vote will vote 'aye'; all those opposed will vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? On the Motion to reconsider, have all voted who wish? Mr. Clerk, take the record. And on the Motion to reconsider, there are 107 voting 'aye', none voting 'no' and none voting 'present'. The Motion to reconsider is passed. Ladies and Gentlemen of the House, we have had a substantial debate on House Bill 315. Representative Feigenholtz closed on the Bill, so we are reconsidering House Bill 315. All those...Yes, the Gentleman from Madison, Representative Stephens. I thought I heard your voice seeking recognition."

Stephens: "Well, I thought since we were in a state of confusion, now would be an appropriate time to introduce a former Representative. Representative John Hallock from...Rockford."

Speaker Black: "Welcome, John. Good to see you. The Lady from

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Cook, Representative Wojcik, are you seeking recognition?"

Wojcik: "I think Representative Parcels, former Representative Parcels, would need equal time. She's in the House also. Margie."

Speaker Black: "Margie. And the Gentleman from Saline, Representative Phelps. Do you have a visitor, too?"

Phelps: "Thank you, Mr. Speaker. I have one question. Who blew the whistle on Sara Feigenholtz not voting for herself?"

Speaker Black: "And no further discussion on this issue. The question is, 'Shall House Bill 315 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. Representative Feigenholtz voting 'aye'. On this question there are 110 voting 'yes', none voting 'no' and none voting 'present', and House Bill 315 receives a Constitutional Majority and is hereby declared passed, again. Mr. Clerk, on page 14 of the Bill (sic-Calendar) appears House Bill 430. Please read the Bill."

Clerk McLennand: "House Bill 430, a Bill for an Act that amends the Service Use Tax Act. Third Reading of this House Bill."

Speaker Black: "The Lady from Cook, Representative Murphy. Do you wish this Bill taken back to Second Reading? Mr. Clerk, move the Bill back to Second Reading if you would. On page 14 of the Bill...14 of the Calendar, there appears House Bill 438. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 438, a Bill for an Act that amends the Township Code. Third Reading of this House Bill."

Speaker Black: "On that Bill the Lady from McHenry, Representative Hughes."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Hughes: "Yes, thank you, Mr. Speaker. As amended, House Bill 438 has two provisions. One, that it would require in a referendum to create township organization, 10% of the county's voters as opposed to the 50 signatures currently required. And number two is the Amendment that we discussed last week which would require in a referendum to eliminate township government county wide. County wide elimination of township government which would require a majority of the voters to approve that question in three-quarters of the townships of the county. In discussing this Bill after the vote last week, it's come to my attention that I've created a situation here that I did not wish to create, in that, it is possible in some counties the majority of votes in three-quarters of the townships might be a minority of those voting on the question. Because of that, what I'm asking you to do is to vote for this Bill, pass it out of this House and I have already spoken with the Sponsor in the Senate who has agreed that we will reinsert that it would require a majority of those voting county wide and a majority in each of three-quarters of the townships in order to pass a referendum to eliminate township government again county wide. So, it is my word that it is my intention to do that with the Bill and I already have the agreement with the Senate Sponsor for the Bill to take care of that problem. Again, the reason for this is to take care of the situation which exists in a number of counties, particularly downstate, but even in our more suburban areas where concentrations of population exist in one or two townships. And under the current statute, those one or two townships could vote to eliminate a unit of local government known as township for those who have...who live in as many as 20

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

additional townships in those counties. There is no organized opposition to this Bill. There are individuals in my county who were involved in such a referendum who opposed this. That referendum failed in my county on a three to one vote. Again, the intent here is that one or two townships not be able to remove township government from all the rest of the citizens of a county and I would ask for your favorable vote."

Speaker Black: "And on that Bill, discussion? The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I'd like to ask the Sponsor a couple of questions, if I may?"

Speaker Black: "Proceed."

Woolard: "Representative Hughes, if, in fact, this is not fixed in the Senate, what's your intentions as far as the continuance of the Bill in its present state?"

Speaker Black: "Representative Hughes."

Hughes: "If it is not fixed, I have the word of the Senate Sponsor that he will work with me to fix that. Until I have the language in his hand and he agrees that that will go on the Bill, it will go no further."

Speaker Black: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I rise in support of the Lady's piece of legislation. I think that she's addressed those things that were of major concerns to us as downstate Legislators. I know that there are many of you who probably have heard of movements in your particular county where there's a desire by a few, or some, to change from township forms of government. Now we believe that we'll have a representation that will be equal to the majority of the voters if this is amended as so stated in the Senate. So, I would encourage each and every one of you to give

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

strong consideration for the passage of this piece of legislation."

Speaker Black: "And further discussion, the Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. I, too, stand in support of Representative Hughes' Bill. As a supporter of township government and as a member of that committee, as we worked on this legislation we thought possibly that the Amendment would...would fix the problem. But after discussion on the floor last week, we realized that there was a couple of scenarios that would not work. And Representative Hughes is a Lady of her word and she'll work with the Senate Sponsor; and hopefully, when it comes back here it will be in that shape that we can all support the Bill again. And I urge your support for this piece of legislation as well."

Speaker Black: "Thank you very much. The Gentleman from Kendall, Representative Cross. No one seeking recognition, Representative Hughes to close."

Hughes: "Thank you, Mr. Speaker. I urge an 'aye' vote."

Black: "This question is, 'Shall House Bill 438 pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk...excuse me. Representative Lang."

Lang: "Well, thank you, Mr. Speaker. It surprises me that you didn't notice my light on. I know you said nobody was seeking..."

Speaker Black: "I truly did not see your light. If it was on, I apologize."

Lang: "Well, I believe you, but I thought maybe when you said nobody, you meant me. So I stood up and hoping my light

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

would go on so that I could speak, but it didn't work out that way. Perhaps if you move the mike a little to the right you'd see my light. It's right below it, Sir. Thank you."

Speaker Black: "On this question, Mr. Clerk, take the record. And on this question there are 100 voting 'yes', none voting 'no', 8 voting 'present', 10 not voting. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 16 of the Calendar there appears House Bill 679. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 679, a Bill for an Act concerning use and occupation taxes. Third Reading of this House Bill."

Speaker Black: "On the question the Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 679, the language of which was drafted by the Department of Revenue, clarifies which products sold from a vending machine are taxed at the low rate and which products sold from vending machines are taxed at the high rate and it eliminates the language that currently exists in the statute that applies to food consumed off the premises or food consumed on the premises. The only way the Department of Revenue could audit was to physically have an auditor, one of it's employees, sit in front of these vending machines and sit there for eight to twelve weeks and count which ones are consumed off and/or on the premises. This is one, Representative Dart, you probably recall. This is a very simple Amendment. It has no...it's a clarification. It was drafted by the Department of Revenue and it's a clarification of current practice. It has no effect on state revenues. Happy to answer any questions."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Black: "And on that Bill the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. Initially, I want to ask to have this removed from Short Debate and I'm joined by an appropriate number of hands."

Speaker Black: "That's fine. It will be removed from Short Debate."

Dart: "Will the Sponsor yield, please?"

Speaker Black: "Indicates he will."

Dart: "Representative, you were saying that there's just...the one Amendment was just purely a technical Amendment that was suggested by the Department. That's correct?"

Speaker Black: "Representative Wennlund."

Wennlund: "That's absolutely correct. It was drafted by their attorneys."

Speaker Black: "Representative Dart."

Dart: "A couple of questions then, on the Bill itself. This would be a one percent tax on food sold through vending machines. Is the...currently, what is the current procedure in regards to the same type of sales?"

Speaker Black: "Representative Wennlund."

Wennlund: "The current procedure is to...this excluded...excluded from the provisions are soft drinks and hot food. Those are all taxed at the high rate, six and a quarter. But other products like a bag of potato chips or corn chips or a candy bar that is not intended for immediate consumption are taxed at the lower rate, or one percent. And if you were to go into a White Hen, for instance, you'd have the same provision, same type of tax, and whether or not you buy it at the White Hen or from a vending machine, really makes no difference. This makes it easier for the department to audit because they can just go to the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

companies, the vending companies, see how many candy bars they sold and instead of going and counting in front of a vending machine as to whether the candy bar was consumed there in front of the machine, or was it taken off the premises and consumed."

Speaker Black: "Representative Dart."

Dart: "The vending machine people as well as the merchants, are they in favor of this?"

Speaker Black: "Representative Wennlund."

Wennlund: "Absolutely, because every time the department would have to send an auditor out, the vending company would send an employee out and sit there in front of the vending machine and mark down on a sheet where the candy bars were consumed, whether they were consumed there on the premises or taken off the premises and consumed. So it saves a lot of time and effort on both the Department of Revenue and the vending industry."

Speaker Black: "Representative Dart."

Dart: "Would this have any impact on taxes such as...I remember it was last year...last year or the year before, the City of Chicago had a soda pop tax that they were attempting to put on. Would this in any way affect the locals as far as taxes they may have on things existing now, or taxes they may want to put on in the future in regards to these types of items?"

Speaker Black: "Representative Wennlund."

Wennlund: "No, it has no effect, whatsoever."

Speaker Black: "Representative Dart."

Dart: "Are soft drinks excluded from this Bill, particularly?"

Speaker Black: "Representative Wennlund."

Wennlund: "All soft drinks are taxed at the high rate, including hot foods."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Black: "Representative Dart."

Dart: "Why...why is that?"

Speaker Black: "Representative Wennlund."

Wennlund: "That's the current law. This doesn't change anything. The current law is, is that soft drinks, hot coffee, hot chocolate, or hot food are taxed at the higher rate, six and a quarter."

Speaker Black: "Representative Dart."

Dart: "Will this bring in any additional revenues or is this revenue neutral?"

Speaker Black: "Representative Wennlund."

Wennlund: "It's revenue neutral. The department can't determine the indirect benefits, but there will be indirect benefits because they won't have to spend so much in sending employees out to do the auditing which takes a long time."

Speaker Black: "Representative Dart."

Dart: "It seems to me, any way you cut it, it looks as if it would be revenue...they would generate more. It would be easier for them, too, in the long run as well. They have not been able to put that on paper, though, as far as being able...I mean, it just makes sense that what you're talking about is bound to increase the revenues coming in."

Speaker Black: "Representative Wennlund."

Wennlund: "Yes, that's true, it is bound to increase the revenues. The problem is, is it's...and the department believes it, but they just can't put a number on...on how much revenue it will increase because, you know, they'd have to look into the employees time, number one, which is a big factor, and they can audit much easier. They can just go into the records and see how many bags of chips were sold, and here's the rate and here to pay the tax."

Speaker Black: "Representative Dart."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Dart: "The...as far as...and just for a point of clarification, then. There will be no increase in any of these products as far as the cost...it's going to cost for the food or for any of these things. It's not going to, in any way, affect raising the price on any of these items. Is that correct?"

Speaker Black: "Representative Wennlund."

Wennlund: "That's correct. It has no effect whatsoever. It just clarifies and it will give the department...it will save the department money by saving auditors time and it makes it easier for the vending industry, as well, because they don't have to spend time during the audits. They can just show their books and show how many candy bars were sold this year and it's very easy."

Speaker Black: "Representative Dart. Further discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Black: "Indicates he will."

Granberg: "Representative, well, I believe there's some concern over the Bill as originally introduced and what it is now with your Amendments. There's a great deal of concern with the Bill as originally introduced. But my understanding, your Amendment changed that completely and, in fact, codifies the standards set by...set in a court case that was recently upheld. Is that correct?"

Speaker Black: "Representative Wennlund."

Wennlund: "The original...the original Bill...the department did not like the language the way it was drafted and really didn't understand what it was trying to do. And as a result of meetings with the Department of Revenue, they suggested this Amendment, Amendment #4, which was put on there, which provides the language to make it perfectly clear and not confusing."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Black: "Representative Granberg."

Granberg: "I've had some questions on our side of the aisle on who this will impact and what way. So if you don't mind, could you just explain the current law that there is a lot of, I guess, disagreements on what should be taxed at what higher rate and what should be taxed at the lower rate. Could you just give some of the Members a background and what products might be impacted by your Bill?"

Speaker Black: "Representative Wennlund."

Wennlund: "I'm sorry. There's...now there's nobody here, Representative Granberg, I really didn't hear your question. You've got the expert...you've got the expert right behind you, though."

Speaker Black: "Representative Granberg, would you like to repeat your question?"

Granberg: "Unfortunately, that person can't go over and talk to all of our Members. There was some concern, Representative Wennlund, about how this would impact certain groups and what products it would impact and what products it wouldn't. So could you just give a little historical background to the Members in how your legislation clarifies or draws the line on certain types of products, whether it be cigarettes, for example, or those types of products?"

Speaker Black: "Representative Wennlund."

Wennlund: "All...it...the old practice was and the way the law was written, it provided that a distinction between the candy bar that sold in a vending machine, if that candy bar is consumed on the premises where the vending machine is located, like a restaurant for instance, they would consider it a restaurant as opposed to...and it would pay...it should pay the higher rate as opposed to if that person...the same person purchased the candy bar and took

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

it off the premises. Like if you bought it at a gas station, took it in the car with him. Then he pays at the lower rate. Well, the problem is determining how many people who purchase candy bars, in fact, consume them off the premises as opposed to those consuming them on the premises. And as a result of that confusion, there was a lawsuit against the State of Illinois and the State of Illinois paid one of the highest settlements, I think it was \$26,000,000, to vendors. And that case went to the Supreme Court and it basically said that as a result of...it was an 80/20 number and sometimes 90/10, that 90 percent consumed off the premises or 80 percent consumed off the premises. And it became very difficult for...that's what led to these audits, where you have to sit in front of the vending machine for eight to twelve weeks and determine whether or not they would mark on a little sheet, this guy ate his candy bar on the premises, this guy didn't. And it generally turned out an 80/20 situation. As a result...after that court decision, it was decided that it's time to clarify the Illinois law so that it's very clear as to which type of products...You know, whether they're consumed off the premises or not, these types of products are taxed at the one percent rate. These types of products are not."

Speaker Black: "Representative Granberg."

Granberg: "Thank you, Representative Wennlund. Now just two brief questions. The first is, the old standard they used to use whether how much is consumed on the premises. Now I understand the standard that was enunciated in the Supreme Court cases; whether it's readily consumable on the premises, whether it's warm food or not, it's something to be consumed on the premises. And that is usually indicated

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

by whether it can be...it's heated or not. Is that correct?"

Speaker Black: "Representative Wennlund."

Wennlund: "All hot foods pay at the high rate."

Speaker Black: "Representative Granberg."

Granberg: "And some of the Members asked me, Representative, the impact on tobacco products. Would there be any impact whatsoever on tobacco or other tobacco products?"

Speaker Black: "Representative Wennlund."

Wennlund: "No. None whatsoever."

Speaker Black: "Representative Granberg."

Granberg: "Well, thank you, Representative Wennlund. That helped because some of the Members heard bits and parts of your discussion, so they didn't know if it was increasing taxes or lowering the tax rate. Some of them couldn't hear and our staff person couldn't get around and talk to each one that might have had a question and although the Department of Revenue, I'm sure, they could have gone and done this at their leisure. But we appreciate your time, Representative, answering those questions. Thank you very much."

Speaker Black: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Hoffman: "Yes, just to follow up on Representative Granberg's questioning. Right now there's a certain tax...my understanding is there's a certain tax on beverages, soda and hot foods and this would not change that. Is that right?"

Speaker Black: "Representative Wennlund."

Wennlund: "That's correct. It does not change it. All those

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

foods are taxed at the high rate."

Speaker Black: "Representative Hoffman."

Hoffman: "So this does not raise that at all, nor does it lower it. So, conceivably, the cost of...the cost of the beverage and the hot food will remain constant unless there's some other reason to raise it. But the taxing provisions of this will not change that at all, it will be the same?"

Speaker Black: "Representative Wennlund."

Wennlund: "That's correct. This is an effort to clarify the problem I discussed with Representative Granberg about where it's being consumed and how do you audit that. And it was impossible to audit except pick a month and send an auditor out there with an employee from a vending company and sit in front of the machine and watch it, which is pretty ludicrous."

Speaker Black: "Representative Hoffman."

Hoffman: "But with regard to the cold food, would this reduce it and be taxed at the lower rate then, or does it keep that the same also?"

Speaker Black: "Representative Wennlund."

Wennlund: "The rates are virtually unchanged. They remain the same."

Speaker Black: "Representative Hoffman."

Hoffman: "So, all this really does is codify the existing practice with regard to the Department of Revenue, in that soda and hot foods are taxed at the higher rate, the cold foods are taxed at the lower rate?"

Speaker Black: "Representative Wennlund."

Wennlund: "Correct. They're products like the bag of pretzels or the corn curls or a bag of potato chips or the candy bars that are in...those are all taxed at the low rate, and the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

clarifies the whole issue for them and they don't have to go...Remember, when the Department of Revenue sends out an auditor to sit in front of that machine for two months, they have to send somebody to be there with them to keep each other honest. So they're absolutely in favor of it. It simplifies the whole process for them."

Speaker Black: "Representative Hoffman."

Hoffman: "Thank you. I have nothing further."

Speaker Black: "With no one seeking recognition, Representative Wennlund to close."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Bill has been adequately debated and actually it's a pretty simple...simple Bill that will save everybody money. Save the Department of Revenue money and will save the vending industry money, and ultimately, the consumer benefits. I ask for your support."

Speaker Black: "The question is, 'Shall House Bill 679 pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, 102 voting 'yes', 1 voting 'no', 7 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. And on page 17 of the Calendar appears House Bill 901. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 901, a Bill for an Act that amends the Environmental Protection Act. Third Reading of this House Bill."

Speaker Black: "The Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker, Members of the House. House Bill 901 is a cleanup language for the Underground Storage

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Tank Law. This Bill was negotiated and drafted at the insistence of the U.S. EPA, to bring the State Underground Storage Tank Program into compliance at the federal level. Very briefly, what it does, it amends the Environmental Protection Act to make various changes concerning the leaking ground...Underground Storage Tank Program. It amends the Act's applicability to exclude repair of the tanks eligible for reimbursement. It makes changes concerning required site assessments. It provides for leases of petroleum occurring between September 13th, 1993 and August 1st, 1994. It changes the provision related to ground water investigation. It makes some changes concerning a priority list. Includes provisions for risk assessments and provides for deposit of certain monies into the LUST Fund. I ask for your favorable consideration of House Bill 901."

Speaker Black: "And for further discussion on the Bill the Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Novak: "Yes, once again, Representative Persico, I think we've done a fine job on this cleanup language with respect to House Bill 300 we passed in 1993. I've got a few questions I would like to ask you for purposes of legislative intent, among other things. Is the leaking Underground Storage Tank Program a state or a federal program?"

Speaker Black: "Representative Persico."

Persico: "Thank you, Representative, and as you mentioned, House Bill 300 was Repre...was your Bill a few years back and obviously as a good relief pitcher, I had to call up and clean up some of the language to help you out. But in answer to your question, it's a federally mandated program,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

but the state has a cooperative agreement with the U.S. EPA to implement the program."

Speaker Black: "Representative Novak."

Novak: "Well, Representative Persico, I'm glad you're very happy to help clean up leaks. I mean, you don't have any leaking problem, do you, with any tanks around your neighborhood? Who pays for the cleaning up of leaking gasoline or diesel tanks? Who pays for that, Representative?"

Speaker Black: "Representative Persico."

Persico: "The owners or operators of the leaking storage tank. They can be reimbursed, though, by the LUST Program that we set up, minus a deductible."

Speaker Black: "Representative Novak."

Novak: "How is the LUST Fund, the Leaking Underground Storage Tank Fund, financed?"

Speaker Black: "Representative Persico."

Persico: "There are registration fees for each tank and it goes into a certain fund. And currently, as you are well aware, Representative, we are broke in this LUST Fund. We currently have \$18,000,000 in bills awaiting payment."

Speaker Black: "Representative Novak."

Novak: "If I gathered...if I'm correct, you said \$18 million is currently in the fund? How much do we owe current operators, or do you have an idea how much money we owe current operators in the State of Illinois that participate in the program?"

Speaker Black: "Representative Persico."

Persico: "First of all Representative, I want to clarify the previous question. There's also a three tenths of a percent on the gasoline tax which goes into the fund, and we don't have \$18 million left in the fund, we are \$18 million...we owe \$18 million...\$18 million are awaiting

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

payment to this fund. Currently, we are broke."

Speaker Black: "Representative Novak."

Novak: "Well, I appreciate your honesty. So, currently, we are broke, and just again for legislative intent, this Bill does not contain any language dealing with any type of a gas tax or any type of a fee, or any type of assessment on the petroleum industry, correct?"

Speaker Black: "Representative Persico."

Persico: "That is correct. There is no fees involved in this Bill. There is a Bill out there may or may not be called which may add money to fund."

Speaker Black: "Representative Novak."

Novak: "One final question from myself. Would this legislation help reduce the cost of cleaning up leaking underground storage tanks? I know you indicated that we have some cleanup language in here. There seems to be a lot of text. Will this help to further streamline the process for small business people and major corporations that have to deal with leaking underground storage tanks, and the remediation process to clean up contaminated soils?"

Speaker Black: "Representative Persico."

Persico: "There's going...Representative there would be no effect on the cost of the cleanup, but it addresses the US EPA's concerns about House Bill 300. House Bill 300 has appeared though to reduce the cost of this program."

Speaker Black: "Representative Novak."

Novak: "Thank you Representative. I would like to take this Bill off Short Debate with the number of hands from my colleagues on my side of the aisle. Thank you. I have no further questions."

Speaker Black: "Further questions on House Bill 901. The Gentleman from Clinton, Representative Granberg."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Granberg: "Thank you. Will the Gentleman yield?"

Speaker Black: "He indicates he will."

Granberg: "Representative, Representative Novak I think came to you to to Sponsor this legislation. Is that because of his expertise in the 'Lost' Program?"

Speaker Black: "Representative Persico."

Persico: "I've only heard stories Representative."

Speaker Black: "Representative Granberg."

Granberg: "Thank you Representative. We just want to clarify the record. This is does not contain any fee increase for the administration of the underground tank fund, does it?"

Speaker Black: "Representative Persico."

Persico: "That is correct Representative. There is aboslutely no fees in this particular Bill."

Speaker Black: "Representative Granberg."

Granberg: "Thank you Representative, because that is the Bill that Representative Ryder and I are sponsoring. This is completely separatethen the fee increases, this is the substative Bill only, is that correct?"

Speaker Black: "Representative Persico."

Persico: "That's correct."

Speaker Black: "Representative Granberg."

Granberg: "And Representative Persico, the reason for the Bill, is that we have had to come into compliance with federal law, isn't that correct? So, were doing this at the request of the Petroleum Marketers Association?"

Speaker Black: "Representative Persico."

Persico: "That's correct. We're doing this at the request of the Petroleum Marketers Association as well as the EPA to put ourselves in compliance with the federal law."

Speaker Black: "Representative Granberg."

Granberg: "Representative, there's always been a concern from my

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

constituents when there are standards at the state level, are more stringent than those at the federal level. Does this address this issue at all?"

Speaker Black: "Representative Persico."

Persico: "Representative, basically what this does is set us in compliance with federal guidelines."

Speaker Black: "Representative Granberg."

Granberg: "The concern I receive Representative from the people who own gas stations in my district, is that we are more stringent than the federal, so, when you say we come in compliance, does that mean we come with the bare minimum standard or do our standards by your legislation actually go further than the federal standards require?"

Speaker Black: "Representative Persico."

Persico: "Representative, they don't...they do not go further than what federal guidelines require."

Speaker Black: "Representative Granberg."

Granberg: "So, when I go back the people in my district Representative, I tell them that we have now come in compliance because of your legislation, is that correct?"

Speaker Black: "Representative Persico."

Persico: "If House Bill 901 becomes law, yes."

Speaker Black: "Representative Granberg."

Granberg: "If we do not enact your legislation Representative, or if we enact your legislation and do not enact the funding portion of this, what are the consequences for the constituents who might be impacted by this program?"

Speaker Black: "Representative Persico."

Persico: "Well, a couple of things. First of all, we would still be in compliance with the federal guidelines, but basically we would be millions of dollars in underfunding this program, and eventually I would say the US EPA would take

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

away this program from the state."

Speaker Black: "Representative Granberg."

Granberg: "But, would this legislation have any impact on my constituents or yours Representative if this was enacted and the funding was not?"

Speaker Black: "Representative Persico."

Persico: "Well, Representative, basically I just answered that. We would be in compliance, but eventually the federal government would probably take away the underground storage tank program. But any case, this you know...whether we're running out of money or not, this requires the board to adopt rules setting forth risk based procedures and criteria under which the tank owner could defer corrective action on a US...a site based on risk to human health or environment. So, basically even if they are out of money, they have to remove the tank bases on a certain risk criteria."

Speaker Black: "Representative Granberg."

Granberg: "Thank you Representative, does this address the issue of expanding the ability of people to be certified for the removal and testing of contaminated ground?"

Speaker Black: "Representative Persico."

Persico: "No it doesn't."

Speaker Black: "Representative Granberg."

Granberg: "Thank you Representative. One final question, Mr. Speaker. If I could address the issue. Representative Persico, do you know off hand how much we currently owe those stations that are impacted across the state? What the currently liability is under the existing federal and state law?"

Speaker Black: "Representative Persico."

Persico: "The bills that have already been processed, there are

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

\$18 million in payments awaiting."

Speaker Black: "Representativ Granberg."

Granberg: "Thank you Representative. I appreciate Persico taking the time to answer these questions. There was some misunderstanding about what your Bill contained and what was contained in the legislation sponsored by myself and Representative Ryder. So, we wanted to distinguish those two Bills if in fact that other Bill is called for a vote. But thank you Representative, I appreciate your answers to the questions."

Speaker Black: "If no one is seeking recognition, Representative Persico to close."

Persico: "Thank you, Mr. Speaker and Members of the House. Again, this is very important legislation. Important in the sense that it is cleanup language to put us...the State of Illinois in compliance with the federal government, and I ask for your 'aye' vote."

Speaker Black: "The question is, 'Shall House Bill 901 pass?' All those in favor vote 'aye', opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'yes', none voting 'no', eight voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. On page 17 of the Calendar, appears House Bill 929. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 929, a Bill for an Act amending the Employee Commute Options Act. Third Reading of this House Bill."

Speaker Black: "And on the Bill, the Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. House Bill 929, does one thing.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

It says that the State of Illinois shall not, shall not, take any steps to enforce any provisions of this Act which is the Employee Commute Options Act, unless and until the United States and the Environment Protection Agency publishes a notice of proposed sanctions against the state for failure to implement this Act. As you recall, I hope, a year ago January, this House passed unanimously a Resolution, it was adopted by the Senate, and sent to the Governor to our Congressional Delegation requesting that the Illinois Governor and Congression work to repeal the mandate for trip reductions of employers of 100 or more. This measure I bring to youtoday will put one more piece before our Congressional Delegation to urge them to continue their effort. To assure that Illinois urban areas will have the flexibility to deal with the issue of air quality in a cost effective sensible manner that is not punitive to a few employers, that is not punitive to a small segment of our business population, and of our employee population. Many of those employees having no alternatives to get to work other than their vehicles. So again, this Bill says the state will not enforce the provisions of the employee commute option until and unless the federal government gives notice to sanction the state. Please vote 'yes' and reinforce the message we're sending to Washington."

Speaker Black: "And on House Bill 929, any discussion? The Gentleman from Cook, Representative Lang."

Lang: "Thank you, will the Sponsor yield?"

Speaker Black: "She indicates she will."

Lang: "Hi Representative. Representative, this is another in a series of federal rules that you want us to ignore. You want us to ignore Motor Voter, you want us to ignore these

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

rules and what...should we just do away with the federal government? They've told us to do this. Well, perhaps we should do away with the federal government, but then why doesn't the Bill say that?"

Speaker Black: "Now, now, Representative Lang. Confine your questions to this Bill. Representative Hughes."

Hughes: "I really would like to see this Bill pass, and I don't think doing away with the federal government would pass. As I stated earlier, the concern was expressed unanimously by this House for the lack of good common sense for the lack of reasonableness to the employee commute options. And we unanimously expressed that view and I am hoping that we again unanimously through this measure, reinforce that message urging our Congressional Delegation to do something. Not to reduce the goals of clean air, not to reduce the intense of the Clean Air Act, but to remove the unreasonable command and control mandate. Give us the flexibility to deal with this issue. An alternative, recently Ford Motor Company had a press release announcing that it would be passing...manufacturing cars that would utilize methonal and ethonal. Much more affective means of achieving the goal. And I took up some of your time, didn't I?"

Speaker Black: "Representative Lang."

Lang: "Thank you. It's one thing Representative to pass a Resolution and urge Congress to do such and so, it's another thing to pass a law in the State of Illinois that flaunts federal law, that says, 'Well, we asked you not to, and you did it anyway, and we're just going to decide on our own not to do this'. How many of these federal laws do you think we ought to ignore?"

Speaker Black: "Representative Hughes."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Hughes: "This is not totally ignoring that law. What it says is, we were not enforce it unless the Environmental Protection Agency at the federal level notices us that we will be sanctioned, unless at the federal level it is indeed enforced."

Speaker Black: "Representative Lang."

Lang: "So what you're saying is, that we should only follow the federal law in the State of Illinois if we're going to be punished for not doing it, isn't that what you're really saying?"

Speaker Black: "Representative Hughes."

Hughes: "I'm saying that if the feds don't think it's a good enough idea to enforce, it's not good enough for us to be doing it at the local level either."

Speaker Black: "Representative Lang."

Lang: "Well, isn't that a little like saying that you could tell us what you want us to do, but as long as we're not going to get caught it's okay? I mean...didn't we all take an oath to follow the law and to follow the Constitution and when you just simply say, as a state law, that we aren't going to follow the federal law, aren't we violating our oath?"

Speaker Black: "Representative Hughes."

Hughes: "I believe we have an obligation to protect the interest of the citizens of Illinois, but this is unreasonable, it's not cost effective, it does not deliver positive results for our citizens, and that we have an obligation to protect the interest of good government for Illinois citizens."

Speaker Black: "Representative Lang."

Lang: "Well, where does this start and stop Representative? I know you're going to say, well, we're only talking about this Bill. But the truth is, that everyone on both sides

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

oath to follow the law and to follow the Constitution and when you just simply say, as a state law, that we aren't going to follow the federal law, aren't we violating our oath?"

Speaker Black: "Representative Hughes."

Hughes: "I believe we have an obligation to protect the interest of the citizens of Illinois, but this is unreasonable. It is not cost effective, it does not deliver positive results for our citizens, and that we have an obligation to protect the interest of good government for Illinois citizens."

Speaker Black: "Representative Lang."

Lang: "Well, where does this start and stop Representative? I know you're going to say, well, we're only talking about this Bill. But the truth is, that everyone on both sides of the aisle could find some federal mandate, some federal regulation that we don't like. Are we going to have 118 or 236, or whatever any multiple of 118 Bills is, to relieve us from federal rules we don't like? Especially when we do it in a way that doesn't work anyway. The federal government if they wish, is going to take us to court for ignoring their law. Do we have a right to do that?"

Speaker Black: "Representative Hughes."

Hughes: "One of the beauties of the democracy that we live in, is that we challenge each other. States challenge the federal government to do their best, and in this case, I think that's what we're doing. We're challenging the federal government to do a better job for the citizens of Illinois."

Speaker Black: "Representative Lang."

Lang: "How much in road funds do you figure we're risking by passing this legislation?"

Speaker Black: "Representative Hughes."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Hughes: "None."

Speaker Black: "Representative Lang."

Lang: "Nice short answer. Can you explain? Can you explain?"

Speaker Black: "Representative Hughes."

Hughes: "At such time as the federal government gives notice that the State of Illinois will be sanctioned, it removes the provisions of this. It removes the provision that the state will not enforce, we then revisit the issue."

Speaker Black: "Representative Lang."

Lang: "By the time that George Ryan wants us take a bunch of money out of the road fund and give it to him, can we afford to lose more?"

Speaker Black: "Representative Lang, your time has expired. Representative Hughes, can you answer the question?"

Hughes: "We can't afford to lose it, and we will not lose it under this Bill."

Speaker Black: "Thank you very much. This Bill is on Short Debate. Representative Hughes to close."

Hughes: "Once again, the purpose of this Bill is to reinforce a strong message to Congress to give us meaningful rules and regulations for a better environment for Illinois citizens. I urge an 'aye' vote."

Speaker Black: "The question is, 'Shall House Bill 929 pass?' All in favor vote 'aye', opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, 92 voting 'yes', 5 voting 'no', 11 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 18 of the Calendar, appears House Bill 1002. Please read the Bill."

Clerk Rossi: "House Bill 1002, a Bill for an Act amending the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Ticket Scalping Act. Third Reading of this House Bill."

Speaker Black: "And on that Bill, the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1002 amends provisions of the Illinois Ticket Scalping Act..."

Speaker Black: "Ladies and Gentlemen of the House, with the Chicago Bulls entering the play-offs, it's a very important vote. Please, give your attention."

Saviano: "I like to think of this as really an Amendment to the Ticket Brokers Act because it straightens consumer protections and imposes additional requirements upon those who hold themselves out to be ticket brokers. This Bill really institutes some safe guards to protect the consumer from illegal ticket scalpers. One of the main provisions of the Bill is to provide that they must carry a bond, in such case where an event is cancelled, the consumer has recourse to a refund, which would be to them in the case of an event being cancelled. There's many provisions in this Bill. We have negotiated this Bill for hours on hours with the Secretary of State's Office and I believe that everybody is in agreement with this Bill. I'll entertain any questions you might have."

Speaker Black: "And on House Bill 1002, the Gentleman from Cook, Representative Lang."

Lang: "Thank you. Firstly, Mr. Speaker, I'm joined by millions of hands to take this off of Short Debate."

Speaker Black: "Are you sure? All right. Okay."

Lang: "Thank you, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Lang: "Thank you. Representative, the Secretary of State is given authority to accept these filings. Are they in favor

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

of this Bill now?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, they are."

Speaker Black: "Representative Lang."

Lang: "What changes were made in the Bill to get their approval? They were not in approval of this Bill previously. Is Representative Feigenholtz helping you on this Bill? Make sure you vote on this Bill, Representative."

Speaker Black: "Yes, Representative Saviano."

Saviano: "Representative, if I could, I'd like to briefly go through what we've agreed with, with the Secretary of State's Office, on your time. This will answer any pertinent questions you might have in the future. In its annual registration with the Secretary of State, a ticket broker must certify that the ticket broker engages in the resale of tickets upon a regular and ongoing basis from one or more permanent or fixed locations within Illinois. He must cert...he or she must certify that the ticket broker maintains that a ticket brokers registration on display at those locations. They must certify that neither the ticket broker nor any of its employees have been convicted of violating the Ticket Scalping Act within the preceeding 12 months. They must certify that the ticket broker maintains a statewide toll free number for consumer complaints and inquiries. They must certify that the ticket broker has adopted a consumer protection code and consumer protection guidelines, a standard refund policy and standards for professional conduct. They must certify that the ticket broker has adopted a procedure for the binding resolution of consumer complaints by an individual or a third disinterested party. They must also certify that the ticket broker maintain..."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Black: "Representative Lang. Are you through Representative Saviano?"

Saviano: "No, one more. They also must certify that the ticket broker maintains a consumer protection rebate fund of \$100,000, at least 50% of which must be cash available for immediate disbursement for valid consumer complaints. Alternatively, the ticket broker may certify membership in a professional Illinois association in existence for at least 3 years, specifically dedicated for and on behalf of its membership to provide and maintain the consumer protection requirements listed in the above paragraphs 4 through 7, which is the 4th and 7th category I mentioned."

Speaker Black: "Yes, Representative Lang, your time is almost up, but proceed."

Lang: "If you would have explained that during your comments, you wouldn't had to take my time up to do that. Let me ask you a question, Representative. Who's going to pay for the background checks you're talking about?"

Speaker Black: "Representative Saviano."

Saviano: "The background checks are paid for with the registration fees and the money that is put up in the reserve funds on the ticket rebates in the case of a cancellation."

Speaker Black: "Representative Lang."

Lang: "So, these are the licensing fees that are going to the Secretary of State, so they're going to have to have a division to pay...to do these background checks?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, you have to understand, that presently there's, I think there's 15 ticket..."

Speaker Black: "Representative, are you through Representative?"

Saviano: "...currently there's only about 15 ticket brokers

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

actually operating in the State of Illinois, legitimately. The Secretary of State's Office will handle those background checks."

Speaker Black: "Representative Lang."

Lang: "So, this is a Jobs Bill for the Secretary of State's Office, correct? He's going to have to hire all sorts of people to do these background checks, isn't he?"

Speaker Black: "Representative Saviano."

Saviano: "From our negotiations, during the negotiation period of this Bill, it came out that they could use some...most of the service will be provided by the present personnel and...and people they have already doing background checks...in other professions, it's easy, I mean come on."

Speaker Black: "Representative Lang."

Lang: "Well, I like how you say, most. I'm going to wait so I don't get cut off and then, Mr. Black, I'm sure..."

Speaker Black: "Yes, Representative Lang, I'll give you another moment to be fair."

Lang: "Thank you. Representative, why shouldn't this be done by DPR. All of our other licensing is done by DPR? Secretary of State handles drivers licenses but every other license is handled by DPR. You're Chairman of the Committee where all those DPR Bills are. Why are we making an exception here? You like this question, I can tell."

Speaker Black: "Representative Saviano."

Saviano: "You want me to be honest on this answer, don't you? Well, at present time, the Department of Professional Regulation would not be equipped to handle it. We felt that this is simply a registration process and that the Secretary of State's Office, after talking to the Secretary of State, he would be able...be more proficient in handling this."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Black: "Representative Lang."

Lang: "Well, that was some answer, Zeke. Let me ask you a question. Aren't all of the...aren't all of the license fees paid by everyone..."

Speaker Black: "Yes, bring your questioning to a close, Representative."

Lang: "Aren't all those license fees that are paid into the DPR by the people who are licensed by them now, covering all that work? So, if you put this licensing there the fees would also cover the work. I know DPR doesn't want to do additional licensing but the fact is, that if they get the money to...in a dedicated fund to license these folks then they'll have the money. Why should the Secretary of State have exclusive jurisdiction over this?"

Speaker Black: "Representative Saviano."

Saviano: "First of all, the Secretary of State's Office agreed to this, that's number one. Number two, not all our license professions are self sufficient within their dedicated funds...at DPR."

Speaker Black: "Yes, and on further discussion on this Bill, the Gentleman from Kankakee, Representative Novak. Yes, Representative Novak, your light is on, in the chamber. Has anybody seen Representative Novak? His light is on. Representative Granberg, Representative Novak's light is on. Is he seeking recognition? Where is he?"

Granberg: "Mr. Speaker, I...oh, there he is. I'm sorry, Representative Novak is up in the gallery. Representative Novak is up in the gallery, Mr. Speaker. I'm..."

Speaker Black: "Representative Novak. Representative Novak, when you decide to come back down to the floor tell me how you turned your light on from there, will you please? Yes, further discussion on this question? The Gentleman from

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Scott: "Representative, we've talked about this Bill at length and I've got as you know, two main concerns with the provisions with respect to...how to comply with the licensing requirement. One is the binding arbitration requirement that has to be done by a disinterested third party. And we had discussed whether or not someone who is a member of the Better Business Bureau and as a requirement of that would have to submit to binding arbitration. Would that be...would that provision of your Bill be satisfied by someone who belongs to the Better Business Bureau and has a binding arbitration provision?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, from my conversations with the Secretary of State's Office, if I may even answer your subsequent question. They would be agreeable to that and also instead of putting, coming up with a \$100,000 cash or the \$50,000 cash, they would take some sort of surety in exchange for that."

Speaker Black: "Representative Scott."

Scott: "And that surety could be in the form of either a bond or irrevocable letter of credit, I assume?"

Speaker Black: "Representative Saviano."

Saviano: "I know that they agreed to a bond, but I'm sure that they would be reasonable enough to take a letter of credit, from my reputable banking institution."

Speaker Black: "Representative Scott."

Scott: "I'm sorry, I didn't...I didn't quite hear all them, losing a little of it, you said a bond would be sufficient under this?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Black: "Representative Saviano."

Saviano: "A bond would be sufficient. I'm sure that they would consider taking a letter of credit from a reputable banking institution. Yeah."

Speaker Black: "Representative Scott."

Scott: "Since we're just talking about a registration here, do you have any concern at all or how would we correct it if you do, that these conditions that some of these ticket brokers have could lapse during, you know, they initially comply but they lapse after six months. Is there any follow up that the Secretary of State's Office is going to do with respect to these brokers?"

Speaker Black: "Representative Saviano."

Saviano: "It's in the Bill that they have to be certified annually. The ticket broker and...they have to certify annually that the ticket broker and employees have not violated the Ticket Scalping Act within the preceding 12 months. So, if they want to continue doing business, obviously they would have to make sure that their registration is renewed in a timely manner. Otherwise, of course, all provisions would be revoked and they wouldn't be allowed to do business anymore. And they are also obviously covered under the Ticket Scalping Act with criminal penalties."

Speaker Black: "Representative Scott."

Scott: "Is...but without being follow up is, I mean it would be difficult for the Secretary of State's Office to be able to prove. Say, someone let the bond lapse or cancelled the bond and then brought it back just at the next time for renewal that it came up, is there something in there that would stop that kind of practice? I mean, I think the intent of your Bill is good and we just want to make sure

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

that it can actually get carried out."

Speaker Black: "Representative Saviano."

Saviano: "Representative, I think the fact that obviously, if they're going to go through the process of registering and form some sort of paper trail, that I would assume by the Secretary of State assuming these...these duties that they would have to follow up in some timely manner. I think that even if...if you felt better about it, if when it went over to the Senate either we could get some sort of commitment from the Secretary of State in the rules section of operations to set up some plan to satisfy that. We would be agreeable to it, otherwise we could amend it. It's no problem there."

Speaker Black: "Representative Scott."

Scott: "Just one more brief question. How many of these statewide ticket consortiums are there that are referenced in the Bill?"

Speaker Black: "Representative Saviano."

Saviano: "During the course of negotiating this Bill, I've pretty much only heard from three of them, but, I think that's pretty much all there is. There might a few more and I think there might be even some smaller group even in your area from what I understand."

Speaker Black: "Representative Scott."

Scott: "And what kind of, if you know, what kind of entry fees are required to belong to these groups?"

Speaker Black: "Representative Saviano."

Saviano: "It's an annual registration fee of a \$100. Now, let me also...a person that doesn't want to join an association, would have to additionally get that bonding. Like were concerned about your situation, so they could pay the \$100 and get the proper bonding or join the association where

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

the association pretty much pays for your surety."

Speaker Black: "Further discussion on House Bill 1002? The Lady from Cook, Representative Erwin. Representative Erwin."

Erwin: "Thank you, Speaker. I was lost there for a moment. I rise to support House Bill 1002. I think that this is an important Bill in terms of promoting tourism in the State of Illinois and I hope that our colleagues on both sides of the aisle appreciate that the State of Illinois is right now spending tens of millions of dollars promoting tourism all across the State of Illinois. Once we attract tourists to the state, we want them to have a good experience in our state. So, I think this Bill is very important in terms of striking a critical balance between the rights of consumers as well as the rights of having an availability for tickets to important cultural events and sporting events that we know help bring tourists to our state. So, I think this contains important consumer protection provisions while at the same time it will help insure that tickets to the outstanding events in our state and in the City of Chicago will be available for tourists. So, I urge a unanimous 'aye' vote."

Speaker Black: "Further discussion on House Bill 1002? The Gentleman from Cook, Representative Hassert."

Hassert: "Mr. Speaker, I move the previous question."

Speaker Black: "The Gentleman has moved the previous question. And on that the... 'Shall the previous question be put?' All those in favor signify by saying 'aye'; opposed, 'nay'. In the opinion of the Chair the 'ayes' have it. Representative Saviano to close."

Saviano: "Thank you, Mr. Speaker. I would like to thank my cosponsors on this Bill, especially Representative McGuire and Erwin. This Bill was a...they were the catalyst on

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

this Bill and I would appreciate a affirmative vote. Thank you."

Speaker Black: "The question is, 'Shall House Bill 1002 pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 100 voting 'aye', 2 voting 'no', 8 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Page 19 of the Calendar, appears House Bill 1237. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 1237, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Black: "And on the Bill, the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. As many of you...as most of you will recall, the Bill was debated last Friday, and Amendment...House Amendment #6 to...Amendment #6 to this Bill, House Bill 1237, the Amendment became the Bill. This is the Bill that outlaws the jackrock. As you recall, jackrocks have been...become a very serious public safety threat throughout this state in many areas, and we debated it rather extensively on Friday, but, I'll be glad to answer any questions that you might have. I appreciate a 'yes' vote. Thank you."

Speaker Black: "And on House Bill 1237, the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker, will the Gentleman yield?"

Speaker Black: "He indicates he will."

Deering: "Representative, my only concern about this is the language in the Amendment talking about the possession of a jackrock. What happens if an individual has jackrocks in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

the back of his or her pickup, in their vehicle, and they would happen to get stopped for a minor traffic violation, would this automatically cause them to be fined for possession and then be convicted of a Class A Misdemeanor, or do they have rights under the purpose of the legislation where it has to be a demeaning act included?"

Speaker Black: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative, your question...I would direct you to the first part the Amendment, subsection A that requires that a person knowingly sells, gives away, manufacturers or purchases a jackrock; paragraph B says as a definition that a jackrock, among other things, is a device that is intended to be used to damage vehicle tires. This Amendment in this Bill, just like any other part of the Criminal Code, would require knowing...require proof of knowledge by the state's attorney as well as either by the jury or the judge before they found anyone guilty or fine them. So, it's not an automatic fine, it's not a automatic penalty. It requires you to go through the judicial system where we have, I think, a great deal of discretion in place and they want to handle your question."

Speaker Black: "Representative Deering."

Deering: "Yes, Mr. Speaker. I'm joined by the requisite number of my colleagues that would like to take this Bill off of Short Debate."

Speaker Black: "Nah, you weren't recognized for that."

Deering: "Representative, so, with...and I can stand up to that fact, Mr. Speaker. So Representative, in reference to your answer, if I get caught with a jackrock on my person or in my vehicle, and I have no intent of using it in a criminal way, I would still have to take time off from work or I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

would still have to go in front of a judge to try to prove my innocence?"

Speaker Black: "Representative Cross."

Cross: "No, Representative, and I'm not trying to be...want to be very serious about this, it's up to the prosecutor and the state to prove the guilt. It's not up to you to prove your innocence. There's a requirement of knowing that I have to prove if I'm a prosecutor or if I'm a police department in charge of you. So, you have no obligation to prove your innocence whatsoever. I have to prove that you knowingly possessed this device."

Speaker Black: "Representative Deering."

Deering: "Well, yes, I think we're saying the same thing in different phrases though. You, the prosecutor, have to prove my guilt, you know under the current laws of the land, I'm innocent until proven guilty, but if you want to take a case up against me and I am innocent in my own mind, I still have to take time off from work or from what my daily schedule would be, if you choose to try to prove that I'm guilty and I have to go to court to try and prove my innocence, is that not correct?"

Speaker Black: "Representative Cross."

Cross: "Well Representative, that's the...the way our judicial system currently works and the way I hope it continues to work, and I would say it again, the state always has the burden of proof in a criminal case. It's a good system. It's one that's not perfect, but one that I firmly believe in and I suspect you do too."

Speaker Black: "Representative Deering."

Deering: "Yes, Mr. Speaker, to the Bill. I think, even though the context of the Bill and I think it's a safety aspect that we should be concerned about and I plan on supporting

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

the Gentleman's Bill."

Speaker Black: "Thank you very much. This Bill is on Short Debate...oh, I'm sorry, I'm sorry...yes Representative Hartke are you seeking recognition on the question of Short Debate?"

Hartke: "I think we took it off Short Debate already, did we not?"

Speaker Black: "You're right, you're right. I remember now."

Hartke: "Will the Sponsor yield to some questions?"

Speaker Black: "The Gentleman from Effingham...the Gentleman from Effingham, Representative Hartke."

Hartke: "Representative Cross, as I read your legislation, it talks about any device with two pointed sharp edges, correct?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, maybe I try and anticipate where you're heading with this. It's two or more sharpened points, rather similar device, that is intended to be used to damage vehicle tires."

Speaker Black: "Representative Hartke."

Hartke: "Okay, Mr. Cross, I want you to listen up here just very carefully. I'm a farmer and I've got a forty acre piece that's the center of a section, and a couple of weeks ago we passed legislation that would disallow, you know, four wheel drives from running around and across fields and so forth. Now, to get to that piece of land, many times there are country roads and to protect that country road from being cut up by four wheel drives and so forth, many farmers sometimes will take a harrow and turn it upside down. I guarantee you that if a four wheel drive runs across a harrow upside down, you're going to flatten all four tires. Does that mean that that farmer is subject to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

a Class A Misdemeanor with or a \$1000 fine and a year in jail to protect his own property? His intent is to flatten tires if anyone's out there running on his property? Under this provision, he's protecting his private property. Would he be subject to this Act?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, I would refer you to that...there's a reference to the word caltrop in the diction...in this Bill, and a caltrop is defined as an iron bar with projecting spikes or rings that when three of the spikes are on the ground the fourth points upward, formerly used to delay the advance of mounted and unmounted troops. So, when you look at them together, I would encourage...the definition of caltrop in the definition."

Speaker Black: "Representative Hartke."

Hartke: "Representative, it says caltrop or and I would include what I am talking about so, I think your Amendment is flawed."

Speaker Black: "Representative Cross."

Cross: "Representative, I didn't hear that question, but I...as a farmer, can you tell me what a harrow is used for? What's it's intended use?"

Speaker Black: Representative Hartke."

Hartke: "To level the land to start with, but I can also use it for another purpose and that is to protect my property when it's not in use."

Speaker Black: "Representative Cross."

Cross: "Well, Representative, you just answered my question and the question that you asked. Well, you just answered it for me, and I appreciated it. I appreciate that. When we talk about this, we say jackrock is one that is intended to be used to damage vehicle tires. The caltrops or the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

jackrocks that we're talking about are intended to be used to damage vehicles. The harrow that you're talking about, is used to level ground."

Speaker Black: "Representative Hartke."

Hartke: "Well, Representative Cross, I intend to protect my property and I intend to do that and I will do that with a harrow with specific intent to flatten tires, because if he's trespassing on my ground, I want him to be there with four flat tires when I get there, and I want the Sheriff to see him there, and I want him arrested, but you're telling me that under this legislation, that they're going to arrest me, fine me a \$1000, and throw me in jail for a year. On my own property."

Speaker Black: "Representative Cross."

Cross: "Mr. Speaker, I didn't hear the question there, but..."

Speaker Black: "Representative Hartke."

Hartke: "Under this legislation, it says either or, and it's a device used to flatten tires which I intend to do. I intend to flatten..."

Speaker Black: "Excuse me Representative Hartke. Representative Hartke, just a second. Ladies and Gentleman of the House, Representative Hartke is losing his voice, so let's have it quiet so he can ask the question. Proceed Representative Hartke."

Hartke: "Representative Cross, under your legislation, it says either or, and any device that's used to flatten tires, is subject to this Act. all right now, that's just my intent. When I turn a harrow upside down, to protect my property, I am going to flatten those tires. All four of them, because if he races across...on my property, on a private road, I intend to flatten those tires, and under this Act, I will be subject to a \$1000 fine or a year in jail. When the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Sheriff comes to arrest that individual, he's going to arrest me because I'm in violation of this Act."

Speaker Black: "Representative Cross."

Cross: "Well, Representative, I appreciate and respect your position, I disagree with it. A harrow is once again, as I've said, is designed not to damage a vehicle tire, it's designed to level the dirt as you just said. That's the reason for the definition and language in this statute. We're talking about instruments and devices that have no other purpose but to damage vehicle tires. These can be...aren't used as earrings, they're not used to level the ground, they're not used for decoration, they're used purely and simply to damage vehicle tires. That's why the Bill is written the way it is."

Speaker Black: "Now Representative Hartke, control yourself, you're about to lose your voice. Proceed."

Hartke: "Can I use those on my property to protect my property?"

Cross: "No."

Speaker Black: "Representative Hartke."

Hartke: "I would think I would be able to protect my own property and..."

Speaker Black: "Representative, I did give you an extra minute. Would you like to respond Representative Cross? On that question, further discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Hoffman: "Now, we talked, Representative, we talked a lot about intent. The problem with the Bill is two-fold. First of all, it's what Representative Hartke indicated, the definition is such that many different devices or items could come under the definition. Now, you indicated that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

it had to be a device that is intended to used to damage vehicle tires. However, earlier it says, that if you normally sell or give away or manufacture these devices, you're also guilty of a Class A Misdemeanor. So, if I am an individual who were to sell...or were to sell a device that could be used by somebody to puncture tires, it's their intent to do it. For instance, we used the example of a fork. Let's say we use the example of some other sharp object that comes under this definition, and I sell it or give it away, and I don't know your intent, but it is your intent to use it to puncture tires. I still under this Bill, will be guilty of a Class A Misdemeanor."

Speaker Black: "Representative Cross."

Cross: "Representative, we went over this Friday afternoon, and you and I obviously disagree on this issue. A fork is intended to be used to eat with which you use to eat. A caltrop or a jackrock is used and intended to be used to destroy vehicle tires. No other purpose. That's the way it's drafted this way, and that's the reason it's drafted that way."

Speaker Black: "Representative Hoffman."

Hoffman: "Representative, I asked you, I asked you to try and come up with a definition that would clarify that...clarify that so it would be drafted properly and although, with all due respect to you, Sir, certain individuals did not want to attempt to clarify the definition. I think you could define it in such a way that it would indicate only a caltrop, but the way that you have it defined as such, that says a caltrop or other object with two or more sharpened points. Don't a fork...a fork has two or more sharpened points. Then it goes on to say, or other similar device that is intended to be used to damage vehicle tires. Well,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

would a high school kid with a sharp object with two or more sharpended points intends to do with that, is his intent. If I give it to him, I have no intent for that to be used to hurt anybody's vehicle tires, but he may do it anyway. But, you're still making me guilty of a Class A Misdemeanor. You're still not allowing people under this Bill to protect their own land as Representative Hartke indicated. We're willing to work on this, Representative. We're willing to come up with a usable definition, because I don't think that though anybody in here believes that we should be using those items. The problems is, we're saying the mere selling of them, the mere possessing of them, of certain items that can be defined in such a way that they aren't a caltrop which is an item such as a jackrock. There are other items that we use in every day life. Representative, what about the items that would be put on a parking garage so that you don't drive in it backwards, it punctures your tires. What about that item, doesn't that come under this definition?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, maybe we can clear this up, and if you want to...from a legislative intent stand point, let's let it be made perfectly clear, this is what we're talking about. Caltraps, jackrocks, that's the purpose of this legislation. Not forks, not harrows, if this will help clean things up, I'm showing you a jackrock, you've seen them I believe Jay, this is all we're talking about. You're a former state's attorney, I am. I think we need to give a little respect to the state's attorney offices throughout this state. You guys are giving us some extreme examples. You can always come up with some extreme hypothetical that sounds good, but in reality we know does

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

not work and is not the law or is not realistic. This is a caltrop and this is what we're talking about. Nothing else and nothing more."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, Representative, I've been standing here for three weeks now begging people to write Bills in such a way so that we don't continually give discretion to the state's attorneys, continually give discretion to other people, that we define things in such a way that we know what we're passing out of this chamber, and unfortunately this is not one of those things. Now, I asked you a question regarding the instruments that are used to prohibit individuals from driving backwards into a parking garage, so that it is totally designed to puncture your tires so you can't go in backwards. Now, don't you think that would be and would fit under your definition, because it's clear that it does?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, I've talked to three different state,s attorneys offices and they all feel that this is the only way to address this problem throughout this state, and this seems be...they've examined this legislation, reviewed it, helped draft it, and everyone seems to be in accord that this is the best way to handle it."

Speaker Black: "Representative Hoffman."

Hoffman: "I have thirty seconds left and let me tell you, that I have offered to try and work on a definition on this. I have a potential definition that was used by one of the municipalities locally, that is a much better definition than in this Bill. I just don't think Representative, that we can't come up with something out of here that is reasonable, that does what you want, because right now,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

what were going to do is make many law abiding citizens who protect their own prop..."

Speaker Black: "Further discussion? The Gentleman from Cook, Representative Hassert."

Hassert: "Mr. Speaker, I move the previous question."

Speaker Black: "Representative Hassert, has moved the previous question. On that, 'Shall the main question be put?' All those in favor signify by vot...saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Cross to close."

Cross: "Thank you, Mr. Speaker. This was fully debated I believe on Friday afternoon as well as tonight. This is a public safety issue. Caltraps, jackrocks, whatever you want to call them, are intended for one purpose and one purpose only, and that is to damage vehicles, vehicles tires. There are have been instances throughout the state where school buses have lost tires, cars have lost...numerous cars throughout the state have had their tires damaged. There have been instances where these things have ended up in lawns, people have stepped on them, where lawnmowers have shot them out. They are nothing but deadly weapons to some degree, and also intended but for no other reason but to damage cars. I would ask for your 'yes' vote."

Speaker Black: "The question is, 'Shall House Bill 1237 pass?' All those in favor vote 'aye', opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 86 voting 'yes', 11 voting 'no', and 11 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. On page 21 of the Calendar, there appears House Bill 1534. Mr. Clerk, read the Bill."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Clerk Rossi: "House Bill 1534..."

Speaker Black: "Excuse me, excuse me Mr. Clerk. Who's seeking recognition? Yes, Representative...the Gentleman from Jackson, Representative Bost."

Bost: "On the last Bill, Mr. Speaker. I tried to vote 'yes' on that. I would like that to show on the record."

Speaker Black: "The transcript will reflect that you intended to vote 'yes' on House Bill 1207 (sic-1237). I'm sorry Mr. Clerk, proceed with House Bill 1534."

Clerk Rossi: "House Bill 1534, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Black: "And on that Bill, the Gentleman from Lake, Representative Salvi."

Salvi: "Thank you, Mr. Speaker. House Bill 1534 will reinstate the long standing ban on taxpayer funding of abortions under Medicaid, recently struck down by a circuit court judge in Chicago last year, in December. This is another one of those issues on abortion, like parental notice, that whether you call yourself pro-life or pro-choice, you can support. You may believe in a woman's right to choose but don't favor requiring tax dollars to pay for abortions, as survey after survey show, the strong majority of our constituents also do not favor their tax dollars going to pay for abortions. You may recall that in...that the circuit court judge ruled the law unconstitutional under the State Constitution, but didn't indicate why it was unconstitutional. When Jim Ryan became Attorney General he filed a late appeal, after the administration and outgoing Attorney General, did not appeal within the first 30 day appeal period. Attorney General Ryan's appeal was rejected by the Illinois Supreme Court on the basis that it was a

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

late appeal. So we do not have an opinion, a written opinion, as to why the original law if it was, in fact, unconstitutional, as to why it was. In 1977-1978 fiscal year before this ban went into effect, 12,738 abortions were paid for by the state according to public aid records. Unless we pass this Bill, Illinois taxpayers will be paying for any and all abortions throughout the full nine months of pregnancy for those who are Medicaid eligible. It is estimated that at least 10,000 more abortions will be performed in Illinois over and above the 56,000 abortions a year on an average in our state. That is the opposite of the call for fewer or rarer abortions as we hear from our own president. An issue of this magnitude should not be decided only by one circuit court judge for the whole state on constitutional grounds without higher court review. It is absolutely unbelievable that the circuit court decision was not appealed. Unprecedented for this judge to have made this ruling about a law duly enacted by this General Assembly and signed by the Governor. This should be decided once and for all by the Illinois Supreme Court. And the only way now to have this done is to reinstate the law as we have had this the law of the land for the last 15 years. Let me clarify because I know there's been a lot of confusing comments made outside the doors of this Body, I want to clarify in a way that leaves no doubt. This Bill does not supersede nor is it the intent to supersede last year's federal court ruling, that the Federal Hyde Amendment requires Illinois to pay for rape and incest situations. House Bill 1534 only refers to and applies to the circuit court ruling in the case of Doe versus Wright, as stated in the preamble. I'd be happy to answer any questions."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Speaker Black: "And on that question, the Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Erwin: "Representative Salvi, you've indicated on a couple of points in your...in your argument here that you want to make things...where is he, oh...explicitly clear, and I'd like to probe a little bit more if I could. It is your...it is your intention that if a woman is a victim of rape or incest that you are indeed preserving the right of this state to fund and make available a medical procedure so that victim of a crime, the crime being rape or incest, that the right to terminate that pregnancy as a result of becoming victimized by that crime, that indeed that right would be preserved?"

Speaker Black: "Representative Salvi."

Salvi: "That's correct, Representative Erwin. And let me say, that was with this law as it stood before the circuit court struck this law. This...under this law that was, in fact, the way things were being handled under the federal court rules. That we had to pay for rape and incest abortions. So, when this is passed into law, we will have prohibition against taxpayers footing the bill for elective abortions except in the case of rape, incest and the life of the mother."

Speaker Black: "Representative Erwin."

Erwin: "Representative, it is my understanding that existing state law permits Medicaid funding of abortion to preserve a woman's health. So, in other words, if a physician makes a determination that the critical health of a woman is in jeopardy and the...a woman and her doctor or a woman, the father and the doctor maybe...may make the decision that an

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

abortion is medically necessary to preserve the health of the woman, that is existing state law. I want to ask you whether or not it's your intention to preserve that right under House Bill 1534?"

Speaker Black: "Representative Salvi."

Salvi: "The law as interpreted apparently by the circuit court judge is, as you say it is, we don't know what the Appellate Court and the Supreme Court would have said. But Representative Erwin, my concern is the def...with the definition of health, and I didn't want to get into that quagmire. In Doe versus Bolton, as you may be aware, there's a very broad definition of health that I did not...we did not want to get into. The court in that case defined health as the medical judgment may be exercised in light of all factors physical, emotional, psychological, familial and the woman's age, relevant to the well being of the patient. All these factors, according to the Supreme Court in Doe versus Bolton, may relate to health. And so because of the overwhelming sentiment, and I think the justifiable sentiment of the people of the State of Illinois that while many believe that there should be a right to an abortion, the taxpayers should not foot the bill. Because of that belief, we could not include health because that would have included, under the U. S. Supreme Court definition of health, just about all abortions."

Speaker Black: "Representative Erwin."

Erwin: "Thank you. Representative, despite your...your comments tonight I stand in very, very strong opposition to House Bill 1534. I would ask my colleagues in this chamber, whatever your views may be on public funding of abortion and I rise as the Sponsor of Medicaid funding of abortion. I'd be very, very careful of House Bill 1534. It is my

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

firm belief that this Bill will further victimize, victims of rape and incest by not permitting, in fact, not permitting the state to be able to provide for the cost of a medically necessary procedure that is available to women who have funds, who have funds available. But further than that it goes absolutely contrary to what the federal government is, in fact, instructing the State of Illinois to do. I believe that this seriously jeopardizes the rights of women and I think in a gross sense..."

Speaker Black: "Yes. Representative, bring your remarks to a close."

Erwin: "Thank you, Speaker. I think that this will further victimize those who have become the very tragic victims of rape and incest, and I urge a very strong 'no' vote on this Bill."

Speaker Black: "Further discussion? The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I do not believe that the State of Illinois should be taking actions that would promote or encourage abortions. On the other...and I think the focus of the State of Illinois should be on responsible parenthood and on preventing the epidemic of teenage pregnancy. However, the State of Illinois has also undertaken to provide medical care to poor people who cannot otherwise afford it in the Medicaid program. And I have a great concern if we apply different standards to women who can afford care only through the Medicaid program as opposed to the private insurer. I am very concerned about the State of Illinois standing in between the patient and the physician and medical decisions. I'm of great concern that if we make one decision in this area that it will be continuing to expand. Where does the state have a

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

say on what the physician can do in his or her opinion for the medical care? I share the concern about victims of rape or incest, and how that they would be treated. These are, in fact, very few cases but to those few cases they are very devastating and I think the physician and the patient must be able to handle that. I think it's also up to the physician to be able to establish, with his or her judgment, what is medically necessary. We have so many important issues to deal with in this state. I don't think we can be making individual medical decisions between a physician and a patient. I do not support abortion, I do not approve of abortions. Unfortunately in some cases I think they're medically necessary for the health or for the life of the mother and for rape and incest. I would again encourage that our focus should be on prevention and I would not support this Bill."

Speaker Black: "And further discussion? The Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In listening to the Gentleman's opening comments, I felt that we were almost part of a Kafkaesque situation, where if we...where if we just conveniently overlook such important fundamental constitutional principles, not only state constitutional principles, to right to privacy and a woman's right regardless of her income level to adequate health care under any circumstances. But what this Bill essentially represents is going out and shopping for another legal opinion. We didn't like what the last judge said so we're going to go out and find...and pass another Bill which was essentially thrown out by the courts just recently because we didn't like what the last judge said, so we're going to pass

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

another Bill instead. Mr. Speaker, I'm the Minority Spokesman for the General Services Appropriations Committee. When Attorney General Ryan came before the committee to explain what his intentions were, with respect to his appropriations for the coming year, I specifically asked the Attorney General if we would be spending or allocating any further resources towards defending a legal issue which had by...been...by all accounts been resolved. Attorney General Ryan indicated that his office was not going to be devoting anymore resources towards defending a legal question which had already been solved. I'd like to know, who's going to defend the State of Illinois in this set of circumstances? Who's going to defend every single woman who's not fortunate enough to have the means to pay for an abortion, in the most extreme circumstances, when our own Attorney General has indicated that his office is not going to provide the resources in order to appeal any kind of frivolous judicial activity. To say that we're not going to get into the nuances of how we're going to define a woman's health, that we're just going to leave that be for the time being. I think is insulting, not just to women, but I think it's insulting to all of us who put ourselves in the position of making these fundamental decisions that not only serve the purpose of making policy statements, not only serve the purpose of making political statements but perhaps, most importantly, serve the purpose of making people's lives better. This Bill succeeds in one measure, it reverts us to the status of a backwater state. We're getting ready to enter the 21st century. Mr. Salvi would like to turn the clock back in a way that harms countless people throughout this state, and I agree with Representative Klingler and others who advocate this

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

position on this very difficult Bill that we vote 'no'."

Speaker Black: "Further discussion? The Lady from DuPage,
Representative Biggert."

Biggert: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Biggert: "Representative Salvi, you stated that there was an
Illinois case, Doe versus Wright, the facts of that
case...can you tell me who the victim was?"

Speaker Black: "Representative Salvi."

Salvi: "I don't think I mentioned Doe versus Wright, I mentioned
Doe versus Bolton."

Speaker Black: "Representative Biggert."

Biggert: "In...wasn't it correct that, I believe it was Doe
versus Wright, that there was a 16 year old rape victim who
sought medically...Medicaid funded abortion because during
pregnancy she had developed induced hypertension leading to
heart disease, liver damage and kidney disease? And that's
the case that was decided where the Cook County judge
enjoined the Public Aid Department from enforcing the
sections of the law that you're seeking to change?"

Speaker Black: "Representative Salvi."

Salvi: "My recollection was that there was concern that she would
suffer health problems if she were to go through with the
pregnancy. It sounded to me as if she was in a situation
where her life may have been threatened if she had an
abortion. My feeling would be that, that in a case like
that, that this Bill would allow for public funding of
abortion."

Speaker Black: "Representative Biggert."

Biggert: "Under your Bill, the language on page 2 and 6, which
makes...deletes and then puts back into the Bill, the
language on page 2 and page 6 are ex...what you're deleting

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

is exactly what you're putting back into the Bill? There's no change in language?"

Speaker Black: "Representative Salvi."

Salvi: "That's right, Representative. In fact, the language that we are putting in, which and this contradicts some of the statements made by previous speakers. The language we are putting in is exactly the same language that governed this state for the last 15 years. This was the law of the land for 15 years until one lower level circuit court judge ruled that it violated the State Constitution without really describing where in the State Constitution there was a violation. So basically what we're doing, is we're rewriting the language because public aid's not following this law that was enacted by this General Assembly and signed by the Governor. And what we're asking...what we want to see done, is we want to see the process work. It didn't work last time. A circuit court made a ruling without explanation. And what we'd like to see, Representative, is we'd like to see if there is going to be a ruling that this is unconstitutional, we'd like to see the Attorney General do his job, to file an appeal and have the Appellate Court process work. And if the Illinois Supreme Court agrees, if the Illinois Supreme Court says, that for some reason this is unconstitutional, I can't imagine why, the U. S. Supreme Court said this exact same language was constitutional but if the Illinois Supreme Court says that there's some problem, let's find out what the problem is so we can work with it but right now we have nothing. We have a circuit court lower decision and we have an Attorney General who didn't do his job, we didn't have an appeal and we're working in the dark. So what we're trying to do is, we're enacting the same law that we

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

enacted 15 years ago and we'd like to see the process work so we could...so we could work in the light."

Speaker Black: "Representative Biggert."

Biggert: "Isn't this now an enjoined law though so since there was a decision and the state had the opportunity to appeal, which they did not. The Governor chose not to do it and the Attorney General at the time chose not to do it. Let me ask you one other question then. What about the JCAR ruling that was made following this where the rules were...were made and then reversed right away or there was a court case. So it wasn't...weren't the JCAR rulings that came out after this decision the same?"

Speaker Black: "Representative Salvi."

Salvi: "Well, there are two questions that you just asked. First question, with regards to the existing law being enjoined or this being the same as the existing law. I agree, but it's enjoined. The public aid and the...those who are enacting this or executing this, they are assuming that this law is not valid. So the existing law is enjoined. That's why we have rewritten it and are asking that it be reenacted. The second question, a federal court order says that we must pay for rape and incest abortions. This law does not supersede it, it didn't before the JCAR ruling, after that ruling there were three abortions paid for in Illinois with Medicaid dollars. That will continue, we can't do anything to change that."

Speaker Black: "Representative Biggert, your time has expired. Do you have another question?"

Biggert: "Sir?"

Speaker Black: "I'll give you one minute. Bring your remarks to a close."

Biggert: "Thank you. I rise in opposition to this Bill. I think

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

that courts in Illinois, courts in Arkansas, Colorado, Louisiana, Michigan, Montana and Pennsylvania, and all these states who have not complied with federal law and fund abortions in cases of rape or incest have been cited. We stand in Illinois to lose all of our Medicaid funding. The federal government has threatened to cut off the funds for those states which do not comply with federal law. This Bill would take us out of compliance with federal law. I also think that the lower court has found that this law is unconstitutional, just because there was not a written opinion, does not mean that it was not unconstitutional. It is a threat to poor women who are not able to have an abortion where those that can pay for it can. I urge your opposition."

Speaker Black: "Further discussion? The Lady from Cook, Representative Howard. Representative Howard."

Howard: "Thank you, Mr. Speaker. I rise in opposition to this Bill. I think it is unconscionable in this day and age that persons of the opposite sex are still trying to make decisions about what females are able to do with their...their choice. I am a pro-choice person. I think it is my business and not that of someone else. Thank you."

Speaker Black: "Further discussion? The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Black: "Indicates he will."

Cross: "Al, I just have a few questions and I don't merely for my own personal benefit to understand this issue. My understanding now, under the federal law, is that there is federal money that comes to the State of Illinois that pays for abortions in the case of rape...rape, incest and to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

preserve the life of the mother, is that correct?"

Speaker Black: "Representative Salvi."

Salvi: "It's my understanding, also...It's my understanding as well, that we have to provide for taxpayer funded abortions in the case of rape and incest."

Speaker Black: "Representative Cross."

Cross: "For the three case and to preserve the life...preserve the life of the mother is the third one. Why, and my understanding from following the debate and trying to read this Bill or in reading this Bill is that, if this Bill passes and the Governor signs it, in this state, only to preserve the life of the mother would be funded with federal money. Is that...if this Bill passes and is signed by the Governor, only in the case of preserving the right or preserving the life of the mother would there be federal money used? Is that correct?"

Speaker Black: "Representative Salvi."

Salvi: "That's not correct, Representative. Federal law supersedes that. We...we would provide for taxpayer funded abortions in the case of rape and incest and the federal government would reimburse us the way they would for any other state."

Speaker Black: "Representative Cross."

Cross: "I don't mean this in any sarcastic way. Why do we need this if the federal law...it controls? Why even address this issue at this level?"

Speaker Black: "Representative Salvi."

Salvi: "What we're doing right now in Illinois, is we have a law because of the circuit court decision. The effect of the law is, Representative Cross, that anyone who wants to have an abortion in Illinois, if they're Medicaid eligible, they can have an abortion at the taxpayers expense. What this

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Bill does, it very simply says, no, the taxpayers aren't going to pay for the abortion except in those three limited cases so there is a big difference. The difference is, that right now the rule of the law is, that if someone wants an abortion, they just walk in, it's free of charge, the taxpayers pick it up. Now with this law, if it's signed into law by the Governor, the new law would be only if there's a rape, incest or if the life of the mother is in danger. Only in those cases will the taxpayers pay for an abortion. You'll still have a right to an abortion, but the taxpayers are not going to foot the bill, that's what this Bill does."

Speaker Black: "Representative Cross."

Cross: "Representative, I share the concern that some others had or that believe that or support the idea of just in those three instances would I support funding. But in reading the Illinois Department of Public Aid fiscal note, it says, this Bill keeps the language in Illinois law which is more restrictive than the federal mandate. I thought the Hyde Amendment and the federal mandate only allowed funding in those three instances that we were talking about or that you mentioned earlier already and that it's not anymore expansive than that. Is that correct?"

Speaker Black: "Representative Salvi."

Salvi: "My...this Bill is just reenacting the laws it was before the circuit court decision. What was the law before the circuit court decision? We would not pay, taxpayers would not pay for abortions except in the cases of rape, incest or the life of the mother. Now, the Bill doesn't address rape or incest, that's federal law, that's federal requirement. This Bill simply says life of the mother but the law before this Bill was knocked out by the circuit

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

court was, that only in those three instances, rape, incest and in the endangerment of the life of the mother would the public taxpayers pay for the abortion."

Speaker Black: "Representative Cross."

Cross: "Al, I'm still a little concerned about why the rape and incest language isn't in this particular Bill. And just finally, the last line of the Illinois Department of Public Aid says, 'failure to comply with the federal mandate jeopardizes our obtaining matching federal funding'. What response is there to that, and do you believe that to be the case and if so, how much matching funding...federal funding, would we lose?"

Speaker Black: "Representative Salvi to respond."

Salvi: "If this Bill said, Representative Cross, that the hell with the feds. We're not going to provide for public funds for abortions in the case of rape and incest, then they would be right, but this Bill does not say that. And, in fact, when this Bill was the law, before the circuit court made that decision, we were providing for abortions and paying for them in the case of rape and incest. So that's wrong, and I can't emphasize that enough. When this Bill becomes law, under federal law we are required to pay for rape and incest abortions and we will also pay for abortions when the life of the mother is in danger."

Speaker Black: "Representative Cross, I'll give you a few seconds if you want to bring your questioning to a close."

Cross: "Well, have we been, have we not been following the federal government's mandate for the last 15 years?"

Speaker Black: "Representative Salvi."

Salvi: "That wasn't the federal mandate before, Representative Cross. It only has been a recent mandate and now we were, in fact, I have a public aid document here that indicates

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

that there were abortions paid for by the state that occurred at the last quarter of last year before the decision by the court, the circuit court, in December of 1994."

Speaker Black: "Further discussion? The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Ronen: "Representative Salvi, I wanted to ask you a question about current practice at the Illinois Department of Public Aid. Would you not say that their current practice is providing funding for abortions in the cases of a threat to the life of a woman, the health of a woman and in rape and incest cases, is that current policy?"

Speaker Black: "Representative Salvi."

Salvi: "That's correct, Representative."

Speaker Black: "Representative Ronen."

Ronen: "How will your Bill change current policy?"

Speaker Black: "Representative Salvi."

Salvi: "It'll take out the health section which is essentially, for any reason. Again, let me read from Doe versus Bolton. The definition of health says that the medical judgment may be exercised in the light of all factors, physical, emotional, psychological, familial and the woman's age relevant to the well being of the patient. All these factors may relate to health. The definition of health, Representative, is so broad that it means any, just about any, abortion is to be paid for by the taxpayer."

Speaker Black: "Representative Ronen."

Ronen: "I think with all due respect, Representative Salvi, what you're trying to do here and I think you're being a bit disingenuous at what you're trying to do. The State of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Illinois is following current federal regulations. I think it's very important that we all stand together in opposition to this Bill and be clear that what we're talking about in this Bill is in opposition to what federal law has been, in opposition to what the federal statutes have said, what courts have recently said and sets up, in the worst way possible, a two tier system. Women who are victims of rape and incest, as has been said before, are going to be victimized again. This is...this is extremely bad legislation. Especially when we get into the area of what is medically necessary. How...we are not to say what is medically necessary, that's up for the physician to say with the patient. It's not for the State of Illinois, for us in the State Legislature to be making those decisions. Voting for this Bill would put us right in the middle of those decisions. So, I think whatever way somebody stands on the abortion issue, they have to strongly vote against this measure. This takes us back instead of forward, it puts in jeopardy too many women. I urge all my colleagues to vote 'no'."

Speaker Black: "And further discussion? The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Mulligan: "Representative Salvi, would you repeat the statistics that you included in the beginning of your opening for the Bill?"

Speaker Black: "Representative Salvi."

Salvi: "Well, what's...what statistics specifically? I referred to a couple statistics, Representative."

Speaker Black: "Representative Mulligan."

Mulligan: "You quoted how many abortions there were in Illinois

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

last year."

Speaker Black: "Representative Salvi."

Salvi: "Last year? No. I think I said how many...oh, you're right, I'm sorry. In Illinois, over and above the 56 abortions a year on average in our state, is what I said. So, I said there's an average...56,000, I said on average abortions a year in our state."

Speaker Black: "Representative Mulligan."

Mulligan: "Representative Salvi, how many of those were Medicaid funded abortions?"

Speaker Black: "Representative Salvi."

Salvi: "Last year?"

Speaker Black: "Representative Mulligan."

Mulligan: "Yes."

Speaker Black: "Representative Salvi."

Salvi: "Well, I...Representative, I said in my opening that Illinois has 56,000 abortions a year on average. Last year, that's fiscal year '94, there were 29...33 abortions that were paid for by the Department of Public Aid because this law was in effect. This law that we're about to pass was in effect."

Speaker Black: "Representative Mulligan."

Mulligan: "So, Representative, you're saying that you...of the large number that you implied that we are funding, there were only 33 Medicaid abortions last year in Illinois? On page 2..."

Speaker Black: "Representative Salvi, do you want to respond to that?"

Salvi: "I would...I would love to. That's correct, Representative. Because this law was in effect last year. Prior to this law going into effect, there were a lot more abortions paid for by the taxpayers. Now in my opening I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

said, that we can expect 10,000 abortions paid for by the taxpayers if this law doesn't pass and, in fact, before this law was enacted by the General Assembly there were 12,738 a year. So, I was being conservative in my numbers. So, be careful because last year this law was in effect."

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I think that is a gross exaggeration because you quote statistics going back a time when there was a different method of birth control. On page 2 of your Bill it says, that the procedure would be limited to only the life of the women. How would you interpret that to include rape and incest? If your Bill specifically says, only for the preservation of the life of the woman. If you intended it to cover rape and incest, why is not rape and incest included?"

Speaker Black: "Representative Salvi."

Salvi: "It's not needed, Representative. It's federal regulations, federal requirement. When this law was the law of the land, before the circuit court decision, we were paying for rape and incest abortions, because of the federal court ruling that we had to pay for rape and incest abortions. The federal law requires that we do so. We don't have to change the law. The reason we drafted this law as we did, is because this is the only law in Illinois history on abortion that has been tested by the United States Supreme Court and its been found to be just fine. So I don't want to mess with it. The U. S. Supreme Court said it's just absolutely fine. Now with regards to your earlier comment about contraception, you're wrong, you're dead wrong. And, in fact, since Roe versus Wade in 1973 the number of so-called unwanted teen pregnancies has quadrupled. Whereas for 40 years teen pregnancies stayed

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

at about the same level. Suddenly in 1974 that chart shot up and I showed many Members here of that chart. There have been more teen births since Roe versus Wade as well as abortions."

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I charge that it has nothing to do with what funding for Medicaid abortion. The Illinois Constitution is an independent source of constitutional rights and it's scope is not governed by federal court precedents limiting individual rights under the United States Constitution. Therefore, how can you say that we would be obligated under the federal law, if we change the Illinois law to still provide for rape and incest and if your Bill does not speak to it? Also, on the second page, further on, going back, on page 10, once again you say, for the preservation of the life of the woman. If you intend..."

Speaker Black: "Yes, Representative, your time has expired. Will you bring your questioning to an end? Bring your questioning to a close."

Mulligan: "Representative Black, Representative Clayton will yield her time to me."

Speaker Black: "Well, when I call on somebody who wants to yield time, we'll get there. Otherwise bring your questioning to a conclusion."

Mulligan: "Representative Salvi, on page 10 of your Bill it also states that. I would contend that if you're a lawyer, as you are, who knows how you're drafting things. If you included, wanted rape and incest included, you would have drafted the Bill so. And I will continue when I have someone yield time to go into some other aspects of this."

Speaker Black: "Further discussion on the Bill? The Gentleman

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. And before I proceed, I'm joined by enough of my colleagues to ask for a verification should this Bill receive the requisite number. Do you acknowledge, Sir?"

Speaker Black: "The Gentleman has acknowledged...the Gentleman has asked for a verification of the Vote should it get the requisite number. It is recognized."

Lang: "Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Lang: "Representative, page 10...page 1, line 10 says, necessary to preserve her life. Page 1, line 16, to preserve the woman's life. Page 2, line 24, preserve the life of the woman. Page 10, line 24, preservation of the life of the woman. Representative, you keep...you seem to keep indicating that rape and incest are included here but we don't see it in your Bill anyplace. You know, we've had Bills today and other days where your side of the aisle in some instances want to supersede federal law or have the state ignore federal law, and yet here you say that some federal regulation, that's not specified in your Bill, is going to cover. Now you know that the Constitution of the State of Illinois is a separate document. This Bill is a separate document, it doesn't refer to federal law. If you had referred to it you would have a different point, but it doesn't refer to it. How are you going to get around that if somebody files a lawsuit here?"

Speaker Black: "Representative Salvi."

Salvi: "We don't need to refer to it. The supremacy clause says that federal law is...we can't supersede it. The law, Representative Lang, before the circuit court ruled as it did in December of 1994, was written exactly as this is

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

written. This Bill is simply reenacting the law that was stricken by a lower circuit court judge which is absolutely unprecedented that, that was not appealed. And so what we're doing is we're enacting it exactly as we enacted it 15 years ago. And we're looking forward to getting an opinion from the Illinois Supreme Court. We're looking forward to the Attorney General doing his job and appealing so that we can get that decision. But in the meantime, Representative Lang, we don't have to refer to federal law. Federal law supersedes anything we do. So, we're presenting this Bill, we're reenacting it, and federal law says that we have to pay for rape and incest, we will pay for rape and incest and that, I want to make very clear is a matter of legislative intent."

Speaker Black: "Representative Lang."

Lang: "Well, let me just point out that federal law only refers to federal funds. You're talking about state funds here, not federal funds, so the federal law does not apply. Mr. Speaker, to the Bill."

Speaker Black: "Proceed."

Lang: "I rise in opposition to this badly crafted ill advised Bill for all kinds of reasons. The Sponsor talks about birth control as one of his reasons for doing this. Boy I'm telling you, the State General Assembly is not in the business of handling birth control for the women of Illinois and it's a wrong policy for the state. This Bill is a violation of equal protection. It says that indigent women who want to carry babies to term, we'll pay for you. But it says to indigent women who do not want to carry their babies to term, forget about it. Forget about it, we're not interested in your problems, if you're indigent. This Bill does not, I repeat, not, no matter how the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Sponsor wants to cut it, cover rape and incest. Every line of this Bill that discusses what's covered, discusses the life of the mother, the life of the mother, the preservation of life of the mother on every one of the four occasions. There is no line of this Bill that refers to federal law, there is no line in this Bill that refers to rape or incest, period. So, the Sponsor can couch it anyway he wants, he can talk about legislative intent, but no statement regarding legislative intent can go around the clear language of his own Bill. Rape and incest are not covered under this Bill. Ladies and Gentlemen, this is clearly an effort, as is indicated in the Gentleman's own Bill in the first paragraph, it's a clear effort to shop for another judge. Lawyers call it forum shopping. And indeed, in my view, it's a violation of our oath of office to pass a Bill saying up front, after we pass it, we expect litigation. We're supposed to pass legislation in this Body that we think is good legislation. This Sponsor isn't even sure if it's good legislation. He invites the lawsuit. He says to the women of Illinois, the ACLU, every other group that's interested in women's rights and the rights of mothers, he says, sue us, we're going to pass this legislation, we don't care if it's constitutional. As a matter of fact we know it's unconstitutional, but maybe we'll get a better judge, maybe we'll get a different position from another court, go ahead and sue us. It's a violation of our oath of office to even consider passing a Bill unless we know it's constitutional. We know this is unconstit..."

Speaker Black: "Further discussion? The Lady from Lake, Representative Clayton."

Clayton: "Thank you, Speaker. I wish to yield my time to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Representative Mulligan."

Speaker Black: "Will do so. The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Mulligan: "Representative, refresh my memory. According to your Bill, under what circumstances may a woman seek an abortion and receive Medicaid funding?"

Speaker Black: "Representative Salvi."

Salvi: "Under the law as it has existed for 15 years and that's all this Bill is, is it is a reenactment of the law that we had for 15 years before the circuit court made their ruling, made his ruling."

Speaker Black: "Representative Mulligan."

Salvi: "The law...the only exception would be the life of the mother. However, under federal court rulings we must provide for funding in the cases of rape and incest. This Bill does not supersede that federal court order in anyway, despite what's been said over and over and over again, and I hate to repeat myself, but I want to make it very clear, this Bill does not supersede the federal court ruling. We must pay for abortions in the case of rape and incest. This Bill does not supersede that in any way."

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I think in looking at this and in looking what constitutional law would be that it's unclear. And if we were to pass your Bill what we would be doing is exactly what some of the other Representatives have said, we've been shopping for a court decision. In the case of rape or incest I think it's very sketchy whether we would actually be able to do that. Let me ask you another question. If your daughter, your young daughter, say nine

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

to eleven years old, God forbid, should be raped and become pregnant, it would be your decision to decide whether that child should carry that pregnancy to term. I don't know what your decision would be, and I will not ask you what your decision would be but I would venture to say that you're a slight person, your family seems to be slight build, if that small child were to be raped she would have a very difficult time if she'd match her family stature in carrying that child to term. What...what would you do if you and your wife decided that, that were not the case and you had no money and that you wanted to do something, say the psychiatrist or the doctor said, that child should have an abortion?"

Speaker Black: "Representative Salvi."

Salvi: "That's quite a hypothetical, Representative. I...I'm pro-life. I believe that an unborn child is a human being and entitled to all the rights of any other human being. You're asking me what I would do? I would do everything I can to protect the life of that child because that's my personal belief. But I don't see how my personal belief has anything to do with this issue and I don't think it's appropriate for you to be asking me that question."

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, I did not ask you that. I said if you had to seek it and you had no money, what would you do? To the Bill."

Speaker Black: "Proceed."

Mulligan: "In a country where there are approximately seven animal shelters for every one battered woman shelter and where a woman's right to privacy is routinely challenged. Where there is a double standard, one for rich woman and one poor women and where this can only be the beginning to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

limit the rights for abortion. The success of this Bill would be a terrible travesty, particularly for poor women. Not only that, as far as Medicaid funding, if we do not comply with the federal law, we will lose our Medicaid funding. For someone who signed a letter that Representative Johnson put out that the press gave great coverage for fiscal responsibility, for not increasing the budget, I would like to know where we're going to get those funds, if we do not provide adequate funding under the law, the federal law, and we get our Medicaid funding cut off. Not only is this a travesty against woman, but quite frankly it certainly makes a problem for Medicaid funding. This will be another court case, we will shop for venue, this is a vote against women. If you start one spot and you go adjusting funding for poor women, the next are all women. I think this is a bad Bill, it's a bad vote. It certainly does not address the issue and I don't want to go court to find out if it does. I think if he wanted to address the issue in the Bill, the maker of the Bill would have put in rape and incest. He did not put that in, it does not speak to it. Vote 'no' on this Bill."

Speaker Black: "Further discussion on the Bill? The Gentleman from Cook, the House Democrat Leader, Representative Madigan. Further discussion on the Bill? The Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Mr. Speaker, I move the previous question."

Speaker Black: "Representative Tenhouse has moved the previous question. The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed, 'nay'. In the opinion of the Chair the 'ayes' have it. Representative Salvi to close."

Salvi: "Thank you, Mr. Speaker. Boy, I tell you I've...this is

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

my third year here, I've never heard such a distortion of a Bill. You're talking about a Bill that I am not sponsoring. You're talking about a different Bill. This Bill is very simple. We've been on the campaign trails, this is an issue that we have all dealt with. The issue is, do you support public funding of abortions? We have exceptions, rape, incest, according to the federal government, that is an exception. We have an exception in this Bill, life of the mother. The issue here is, do you want that your taxpayers, that you represent, to pay for abortions, elective abortions, in cases other than rape, incest and the life of the mother? I don't think your constituents do. In fact, I know your constituents do...don't want you pay to have them pay for those abortions. Vote 'yes' on this Bill and tell the state that you agree with them, that the state taxpayers shouldn't be paying for elective abortions."

Speaker Black: "The question is, 'Shall House Bill 1534 pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 58 voting 'yes', 46 voting 'no', and 5 voting 'present', and this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. The Gentleman from Lake, Representative Salvi."

Salvi: "If I could, I would like to put this on Postponed Consideration."

Speaker Black: "Representative, in all due respect, the Chair has taken the vote and declared the record. I cannot allow you to do that. Mr Clerk, on page 22 of the Calendar, appears House Bill 1649. What is the status of the Bill?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

Clerk McLennand: "House Bill 1649, a Bill for...the Bill is on the Order of Third Reading."

Speaker Black: "Take the Bill back to Second Reading. On page 23 of the Calendar, there appears House Bill 1937. Mr. Clerk, what is the status of the Bill?"

Clerk McLennand: "House Bill 1937, is on the Order of Third Reading."

Speaker Black: "Mr. Clerk, take the Bill back to Second Reading. Clerk, on the Order of House Bills, Second Reading, what's the status of House Bill 1260?"

Clerk McLennand: "House Bill 1260, had been held on the Order of Second Reading for a state's Mandate Note, which had been requested and a fiscal note which has now been filed."

Speaker Black: "Have all the notes been filed?"

Clerk McLennand: "Yes Mr. Speaker."

Speaker Black: "Third Reading. On page 8 of the Calendar, Mr. Clerk, appears House Bill 1610. Read the Bill."

Clerk McLennand: "House Bill 1610, a Bill for an Act that amends the Public Utilities Act. Second Reading of this House Bill. Amendment #1, was adopted in Committee. No Motions, no Floor Amendments."

Speaker Black: "Any notes been filed?"

Clerk McLennand: "A Fiscal Note requested, and has been filed."

Speaker Black: "Representative Balthis, do you want this Bill to remain on Second Reading?"

Balthis: "Yes."

Speaker Black: "Mr. Clerk, keep the Bill on Second Reading. Clerk, are there any announcements?"

Clerk McLennand: "No further announcements."

Speaker Black: "Representative Churchill now moves that the House stand adjourned until Tuesday, April 25, at the hour of 9:00 a.m. All those in favor, signify by saying 'aye',

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

April 24, 1995

opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and allowing for Perfunctory time for the Clerk, the House now stands adjourned until Tuesday, April 25, at the hour of 9:00 a.m."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

96/07/25
09:48:27

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APRIL 24, 1995

HB-0090	THIRD READING	PAGE	126
HB-0194	SECOND READING	PAGE	15
HB-0238	SECOND READING	PAGE	12
HB-0241	THIRD READING	PAGE	147
HB-0315	THIRD READING	PAGE	154
HB-0315	MOTION	PAGE	170
HB-0373	RECALLED	PAGE	160
HB-0412	THIRD READING	PAGE	161
HB-0430	RECALLED	PAGE	172
HB-0438	THIRD READING	PAGE	172
HB-0630	SECOND READING	PAGE	18
HB-0630	RECALLED	PAGE	33
HB-0679	THIRD READING	PAGE	176
HB-0884	SECOND READING	PAGE	4
HB-0901	THIRD READING	PAGE	186
HB-0929	THIRD READING	PAGE	193
HB-1002	THIRD READING	PAGE	197
HB-1023	SECOND READING	PAGE	117
HB-1172	SECOND READING	PAGE	20
HB-1221	SECOND READING	PAGE	34
HB-1237	THIRD READING	PAGE	207
HB-1260	SECOND READING	PAGE	44
HB-1260	SECOND READING	PAGE	244
HB-1260	HELD ON SECOND	PAGE	46
HB-1277	SECOND READING	PAGE	67
HB-1321	SECOND READING	PAGE	46
HB-1321	MOTION	PAGE	51
HB-1384	SECOND READING	PAGE	52
HB-1384	OUT OF RECORD	PAGE	67
HB-1523	SECOND READING	PAGE	80
HB-1534	THIRD READING	PAGE	218
HB-1610	SECOND READING	PAGE	244
HB-1610	HELD ON SECOND	PAGE	244
HB-1649	RECALLED	PAGE	244
HB-1787	SECOND READING	PAGE	118
HB-1807	SECOND READING	PAGE	72
HB-1807	OUT OF RECORD	PAGE	80
HB-1893	SECOND READING	PAGE	122
HB-1937	RECALLED	PAGE	244
HB-2141	SECOND READING	PAGE	84
HB-2230	SECOND READING	PAGE	89
HB-2308	SECOND READING	PAGE	101
HB-2317	SECOND READING	PAGE	103
HB-2317	OUT OF RECORD	PAGE	104
HB-2434	SECOND READING	PAGE	105
HB-2463	SECOND READING	PAGE	109
HB-2502	FIRST READING	PAGE	1
SB-0203	FIRST READING	PAGE	1
SB-0283	FIRST READING	PAGE	1
SB-0763	FIRST READING	PAGE	1
SB-0774	FIRST READING	PAGE	1
SB-0810	FIRST READING	PAGE	1
SB-0811	FIRST READING	PAGE	1
SB-0831	FIRST READING	PAGE	1
SB-0869	FIRST READING	PAGE	1
SB-0905	FIRST READING	PAGE	1
SB-0910	FIRST READING	PAGE	1
SB-0948	FIRST READING	PAGE	1
SB-0960	FIRST READING	PAGE	1
SB-0985	FIRST READING	PAGE	1
SB-0989	FIRST READING	PAGE	1
SB-0991	FIRST READING	PAGE	1
SB-1000	FIRST READING	PAGE	1
SB-1005	FIRST READING	PAGE	1

REPORT: TIFLDAY
PAGE: 002

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

96/07/25
09:48:27

APRIL 24, 1995

SB-1033 FIRST READING	PAGE	2
SB-1078 FIRST READING	PAGE	2
HR-0036 FILED	PAGE	2
HR-0037 FILED	PAGE	2

SUBJECT MATTER

PERFUNCTORY SESSION	PAGE	1
PERFUNCTORY SESSION - ADJOURNMENT	PAGE	2
HOUSE TO ORDER - REP CHURCHILL	PAGE	2
PRAYER - PASTOR JAMES STUENKEL	PAGE	2
PLEDGE OF ALLEGIANCE	PAGE	3
ROLL CALL FOR ATTENDANCE	PAGE	3
REP KUBIK IN THE CHAIR	PAGE	44
REP LEITCH IN THE CHAIR	PAGE	94
REP BLACK IN THE CHAIR	PAGE	154
ADJOURNMENT	PAGE	244